

WORKFORCE INVESTMENT ACT ANALYSIS

October 1998

TITLE I

SECTION 101

Allow the State to determine definition of “duration sufficient to demonstrate...attachment to the workforce” in the definition of dislocated worker.

Request the definition of “unlikely to return”.

Allow the State to determine how a worker identifies the term used for dislocated worker eligibility.

Limitations; of the 15 percent set-aside from the three funding streams, not more than 5 percent from each **funding** stream can be used for the administration of youth activities and employment and training activities. **OR**, do you take a percentage of not more than 5 percent of the **total allotment** under the three funding streams and remove from the 15 percent set-aside for administration of statewide youth activities or statewide employment and training activities for adults and dislocated workers.

Section 101 of the Workforce Investment Act of 1998 defines “**dislocated worker**” in specific terms. It has deleted the present definition, “**long-term unemployed**” and has reintroduced the definition of “**displaced homemaker**” as one means of defining a dislocated worker.

DWS is requesting that the State of Utah be allowed to define “employed for a duration sufficient to demonstrate...attachment to the workforce”. At present, any attachment length qualifies, whether a day or many years in length. I would suggest that we get further input prior to defining this for Utah--perhaps explore what UI and other service areas would define as attachment length so as to be consistent across the department.

A second area that needs to be defined is “**unlikely to return to a previous industry or occupation.**” In a February 16, 1998 memo, Wanda Ostrander of the DRU states that “Unlikely to return means that an individual states he/she will not return (self attestation)”. This self-determination is contrary to the WIA progression of Core, Intensive, and finally, Training Services. If a customer has marketable/transferrable skills, he/she would be assisted in our employment exchange areas, but would not be appropriate for training services. A desire to train in another area without barriers to the present skill area does not change the progression of services allowed. A dislocated worker who is unlikely to return should be defined as a customer having skills that are no longer marketable or transferrable or a customer having a barrier that prevents the return, i.e. a disability that is a substantial barrier to employment.

In Section 101(9)(a)(iii) the definition of “Dislocated worker return to previous industry” needs to be defined by DOL.

SECTION 106

Purpose

Analysis/Overview

This section defines the purpose and expectations of the statewide and local investment systems. According to this section, the purpose of the workforce investment system is to increase employment, retention, and earnings of participants and increase occupation skill attainment by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

Analyses of reporting requirements

Many sections of the workforce Investment Act (WIA) have reporting system implications and impacts. Also, WIA makes a distinction between reporting responsibilities of the State Board and program providers. This review looks at reporting responsibilities from the State Board perspective. Unique State Board responsibilities will be cited. Other reporting responsibilities are provider based and input to the State Board in its role of coordinating all WIA reporting. This review does not cover established reporting requirements of other service delivery partners, e.g., Department of Education, Vocational Rehabilitation, Job Corp, or other Nationally designated programs. As such, it will focus on Titles I, III, and V.

In the Department of Labor recently released “white paper” on Implementing the Workforce Investment Act of 1998" (released in draft form on October 8, 1998), it cites a shift of reporting and management emphasis to focusing on “outcomes rather than inputs, results rather than processes, and continuous improvements rather than management controls.” The paper also indicates significant changes in existing reporting requirements through waivers or changes in regulations. The extent of these changes will not be known until after the current federal/state consultation process completes and the first draft of the Interim Regulations are released on February 1, 1999. Accordingly, this analysis will assume that current reporting structures will be held in place for the most part and that WIA requirements will added to existing systems.

Regulation Issues

none identified

Proposed Changes

none identified

Compliance Issues

none identified

Opportunities for Change

none identified

What Position does DWS take?

The purpose and expectations of this Act agree with the Department's mission, vision, goals and objectives. The Department should view this as favorable as long as this statement does not get more prescriptive.

SECTION 111

State Workforce Investment Boards

State WIA Board -- WIA requires the Governor to establish a State WIA Board to develop the State 5 year strategy for a statewide workforce investment system (the "State Plan")(section 111(a)). The existing State Council may be used as the State WIA Board on the basis that it (1)was "in existence on December 31, 1997" and (2) "is substantially similar to" the membership of the required State WIA Board and (3) "includes representatives of business in the State and representatives of labor organizations in the State"(section 111(e)). Below is an informal comparison of statutory memberships between the State Council (35A-1-206) and the State WIA Board (section 111(b)). **ACTION**

STATE COUNCIL

No equivalent
Chairs/Regional Councils
Supervisor Public Instruction
Commissioner Higher Education
4 Reps small Employers
4 Reps large Employers
4 Reps Employee orgs/public emp. org
2 Reps Community Based Orgs ("CBOs")
1 Rep Veterans
Ex. Dir. State Office of Rehab
Ex. Dir. DWS
1 Legislator
Ex. Dir. DHS
Ex. Dir. DCED
Ex. Dir. Health
No equivalent
No equivalent
No equivalent
No equivalent

STATE WIA BOARD

Governor
Reps Private Sector Employers/Business
Lead UT official/Adult Ed/Literacy
Lead UT official Adult Ed/Literacy
Owners of Business, CEOs, COOs
Reps Businesses w/ employment opps.
Reps of Labor Orgs
Reps CBOs
No equivalent
Lead State official Rehab programs
Lead official/Wagner Peyser & Public Asst.
2 Reps each chamber of Legislature
Expertise relating to one stop programs
State official economic development
Expertise relating to one stop programs
Chief elected officials/Cities/Counties
Reps with experience in Youth activities
CEO of Community Colleges
State Juvenile Justice officials

Most DWS State Council members are appointed by the Governor with no statutory language regarding who nominates the members to be considered for appointment. The Workforce

Services Code only talks about nominations from the public employees organizations and a legislator nominated by the Speaker of the House and the President of the Senate. The WIA requires nominations from State business organizations and trade associations, State labor federations, and leaders of each chamber of the Legislature. **ACTION**

The current statute should be amended to make virtually all the members of the Council voting members. **ACTION**

Chair of the State Council is to be a non governmental member (which implies either business or labor or CBO). Chair of the State WIA Board must be from the employer/business representatives(section 111(c)). Current statute should be revised to reflect that. **ACTION** The majority of the State WIA Board must be business owners, CEOs etc.(section 111(b)(3)). It appears that our State Council also has a majority of employers/business owners. **ACTION**

Current State Council duties in 35A-1-206(8) will need to be amended to meet WIA section 111(d) function requirements regarding developing programs and performance measures, allocating funds, and preparing reports for DOL. **ACTION**

R982-301-101(4) “Conflict of Interest” currently allows voting by State Council members after disclosure, if a member would receive a direct financial benefit. WIA section 111(f) does not allow a member to vote at all if a member or immediate family of a member would receive a direct financial benefit or regarding provision of services by a member. Revision would be needed. **ACTION**

DWS Administrative Policies and Procedures #118 regarding Open and Public Meetings meets WIA “Sunshine” requirements in section 111 (g).

In Section 111(3)(e)(ii) the states should define “substantially similar.”

SECTION 112

State Plan

Summary

The Utah Workforce Service Code requires that the State Council on Workforce Services annually develop a State Workforces Services Plan. The Workforce Investment Act of 1998 (WIA) requires a single state plan that outlines a five-year strategy for the statewide workforce investment system of the state. A side-by-side comparison is helpful and is listed below.

Title 35A <i>Utah Workforces Services Code</i>	WIA
Projected analysis of the workforce needs of employers and clients	Information describing the needs of the state with regard to current and projected employment opportunities, by occupation; the job skills necessary to obtain such employment opportunities; the skills and economic development needs of the state; and the type and availability of workforce investment activities in the state.
Policy standards in programs and process when required by statute or considered necessary by the council that ensure statewide program consistency among regional workforce services areas	A description of state-imposed requirements for the statewide workforce development system
State outcome-based standards for measuring program performance to ensure equitable service to all clients	A description of the state performance accountability system...that includes information identifying state performance measures (<i>See Section 136</i>)
State oversight systems to review regional compliance with state policies	n/a
Elements of regional workforce services plan that relate to statewide initiatives and programs	n/a
Strategies to ensure program responsiveness, universal access, and unified case management	n/a
Strategies to eliminate unnecessary barriers to access services	n/a
Strategies to provide assistance to employees facing employment dislocation and their employers	A description of how the state will provide rapid response activities to dislocated workers....how the state will serve the employment and training needs of dislocated workers
n/a	A description of the state board
n/a	An identification of local areas....
<i>See Title 35A-1-206 (The State Council is the local board)</i>	An identification of criteria used by chief elected officials for the appointment of members of local board....
n/a	The detailed plans required under section 8 of the Wagner-Peyser Act
n/a	A description of the procedures that will be taken by the state to assure coordination of and avoid duplication among [many detailed activities] <i>and</i> the common data collection and reporting processes used for the programs and activities

Title 35A <i>Utah Workforces Services Code</i>	WIA
n/a	A description of the process used by the state...to provide an opportunity for public comment....
n/a	Information identifying how the state will use funds provided under [the WIA] to leverage other [resources]....
n/a	Assurances...for fiscal control and fund accounting procedures....
n/a	A description of the methods and factors the state will use in distributing funds to local areas...equitably...[and] the formula prescribed by the governor....
n/a	Information specifying the actions that constitute a conflict of interest....
n/a	[A] description of the strategy of the state for assisting local areas in development and implementation of fully operational one-stop delivery systems....
n/a	A description of the appeals process....
n/a	A description of the competitive process to be used by the state to award grants and contracts....
n/a	A description of the employment and training activities that will be carried out.... [and] the procedures the local boards...will use to identify eligible providers of training services....[and] an assurance that veterans will be afforded the employment and training activities....
n/a	<i>Plan for youth activities and coordination</i>

Policy Options

The plan contents required by the Utah Workforce Services Code can be reconciled with the plan contents required by the WIA. An option may be to allow the State Council to draft the annual Workforce Services Plan, as it has in the past. The additional information required by the WIA, most of which appears to be specific, non-oversight detail, can be written by staff with the conditional approval of the Council. The final plan may then look much like it does now, with attached appendices to include the WIA required information.

Compliance Issues

Submit the plan required by the Utah Workforce Services Code and attach to it the minimum, additional information required by the WIA.

Opportunities for Change

As the two plans have different time references, the opportunity exists to create a five-year plan; however, the Utah Workforce Services Code requires an annual plan. This may need to be evaluated.

Recommendations

It would not be to the advantage of DWS for the regulations to specify a plan format. DWS should lobby for an open format for the plan and that it not prescribe detail.

In Section 112, no Federal input on the state plan should be given.

Section 112(b)(8)(B) a description of the common data collection and reporting processes used for the programs and activities.....

This is the primary chore of the State Board guided by the results of State and Secretary consultations and resulting Secretary produced reporting guidelines. It will, however, require some intensive coordination efforts among the providers identify and restructure current reporting processes. Department of Workforce Services (DWS) will likely play a major role in this process as we are one of the major providers.

SECTION 116

Local Workforce Investment Areas

SECTION 117

Local Workforce Investment Boards

Analysis/Overview

Section 116:

The Governor will designate “local workforce investment areas (LWIAs)” after a public comment period.

The Governor shall approve certain requests for LWIAs

Two-year designation, Governor to review
Single-SDA states may keep that designation

Section 117:

Minimum membership requirements
Governor shall certify board(s)

In Single-area states, Governor MAY designate the State board to carry out any of the local board functions--very interesting, sounds like it still allows local boards to have some responsibility even if the state is a single area, unlike JTPA

Board will designate one-stop operators
Will identify eligible youth service providers, award grants or contracts
Will identify local eligible providers (schools, employer training sites)
Lists other local board functions
Local boards cannot provide services, with exceptions

Youth Council:
Local boards will have as a subgroup a youth council
Duties include recommending service providers, oversight, and coordinating youth activities

Current councils can be used. However, the current State Council must assume the responsibility of all the statutes and regulations in the Act that would have been the responsibilities of the Local Workforce Investment Boards.

Regulation Issues

“The Secretary shall provide the State(s) with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph”. 116.a.3.C

Need a regulation giving the state administrative entity the right to provide services to youth, without awarding grants or contracts to other providers

Proposed Changes

Need a regulation giving the state administrative entity the right to provide services to youth, without awarding grants or contracts to other providers

Compliance Issues

Board makeup should be no problem.
Main concern is ‘grant or contract’ for services to youth.

Opportunities for Change

This would take DWS out of the picture for services to youth.

What Position does DWS take?

Board makeup should be no problem.

Get a regulation giving the state approval to provide services to youth.

SECTION 118

Local Plan

Summary

As the State Council on Workforce Services also becomes the local workforce investment board under the WIA, it is responsible for the local plan. That plan must include: identification of the needs of businesses, job seekers, and workers; the current and projected employment opportunities; the skills necessary to obtain employment opportunities; a description of the one-stop delivery system; a description of the local levels of performance; a description of the assessment of the type and availability of adult and dislocated worker employment and training activities; a description of how the local board will coordinate workforce investment activities; a description of the type and availability of youth activities; a description of the process used to provide an opportunity for public comment; identification of the entity responsible for the disbursement of grant funds; a description of the competitive process to be used to award grants and contracts; and other such information as the governor may require.

Minimum Compliance Requirements

Most of what is required in the local plan is already found in the state plan. Consequently, the state plan becomes the local plan with little or no modification.

Opportunities

This represents an opportunity for the State Council and the regional councils on workforce services to build a stronger relationship. The State Council cannot purport to know the needs of the local areas better than the regional councils. Consequently, the regional councils' input into the state plan becomes critical. The State Council simply assumes the administrative duties associated with plan submission. A cooperative system will need to be created then, by which the regional councils' wishes are reflected in the state plan. Nonetheless, the regional workforce services plan remains the practical, strategic workforce development plan for each region.

SECTION 121

Establishment of one-stop delivery systems

Analysis/Overview

The bill requires a one-stop delivery system in every SDA(region, if state is one SDA) that provides core services and access to intensive services, training and related services. The service focus on work first, "A second major emphasis of the legislation, particularly in the workforce

investment part of the bill (Title I), is its "work first" approach—using the labor market to evaluate the pool of workers seeking employment and training assistance. Any individual is eligible for initial core services of a one-stop facility, but only those who fail to find work after receiving core services will be eligible for "intensive services" to help prepare for work or career choice. Then, only those who fail to find work after intensive services will be eligible to receive vouchers to pay for their training under Title 1".

This is compatible with the DWS Service Model.

The local board, with the agreement of the local elected official, develops and enters into a memorandum of understanding with one-stop partners, designates one-stop service center operators and conducts oversight of the partners and centers. "Designated" one-stop partners are programs that must provide core services through the one-stop, and include programs authorized under: this title; the Wagner-Peyser Act; the Adult Education and Literacy title of this Act; the Vocational Rehabilitation Act; the Welfare-to-Work grants; title V of the Older Americans Act; post-secondary vocational education under the Perkins Act; Trade Adjustment Assistance; veterans' employment services under chapter 41 of title 38, U.S.C.; unemployment compensation laws; Community Service Block Grants; and employment and training activities carried out by the Department of Housing and Urban Development. Additional programs also may be partners in the one-stop center with the approval of the local board and local elected official. The partners and local boards, subject to the approval of the chief elected official, enter into a **written memorandum of understanding describing the services to be provided, how the costs of the services and operating costs of the system will be funded, methods for referral of individuals between the one-stop operators and partners for appropriate services and activities, and other matters deemed appropriate.**

The WIA memo of understanding is similar to the GCSSP between one-stop partners. **This will require a comparison to the current state law on the Governors Coordination Special Service Plan and changes made in state law?**

Regulations Issues

Proposed Changes to Regulations

Compliance Issues

May need to upgrade workshops to meet core services in that area.

- A. Identify the dates DWS created EC's. "Established One-Stop Delivery System.--If a one-stop delivery system has been established in a local area prior to the date of enactment of this Act, the local board, the chief elected official, and the Governor involved may agree to certify an entity carrying out activities through the system as a one-stop operator for purposes of

subsection (d), consistent with the requirements of subsection (b), of the memorandum of understanding, and of section 134(c)”.

The bill encourages the Local Board, Chief Elected official and the Governor to keep current One Stops.

C. Review DWS Services to make sure they meet the definition of Core Services which include:

- A. determinations of whether the individuals are eligible to receive assistance;
- B. outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
- C. initial assessment of skill levels, aptitudes, abilities, and support service needs;
- D. job search and placement assistance, and where appropriate, career counseling;
- E. provision of employment statistics information relating to local, regional, and national labor market areas, including--

- job vacancy listings in such labor market areas;
- information on job skills necessary to obtain the job vacancy listings;
- information relating to local occupations in demand and the earnings and skill requirements for such occupations;

F. provision of performance information and program cost information on eligible providers of training services, eligible providers of youth activities, providers of adult education, providers of postsecondary vocational education, and providers of vocational rehabilitation program activities;

This is a change that will require a new tracking and reporting system

G. provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;

I. provision of information regarding filing claims for unemployment compensation;

J. assistance in establishing eligibility for--

i. welfare-to-work activities authorized under section 403(a)(5) of the Social Security Act (as added by section 5001 of the Balanced Budget Act of 1997) available in the local area; and

ii. programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area;

K. follow-up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

This is not currently being done in DWS.

Intensive services may include:

- A. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include--
 - (I) diagnostic testing and use of other assessment tools; and
 - (II) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- B. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
- C. Group counseling;**

Not currently available in DWS

- D. Individual counseling and career planning;
- E. Case management for participants seeking training services;
- F. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

Opportunities for Change

Potential to increase services available and reduce duplication of services in each one-stop.

What Position Does DWS Take?

SECTION 121 (c)

Memorandum of Understanding

Under the JTPA legislation (Section 121), the Governor's Coordination and Special Services Plan (GCSSP):

Establishes criteria for coordinating activities under the act with programs and services provided by State and local education and training agencies including vocational education, public assistance, employment service, rehabilitation, post secondary institutions, economic development, homeless services, human services, etc.

Describes measures taken by the State to ensure coordination and avoid duplication with agencies administering services under TANF (JOBS)

Describes projected use of resources including oversight of program performance, program administration and financial management, capacity building, etc.

Includes goals, training, placement coordinated activities for women in non-traditional employment (Carl Perkins, JTPA, other state and federal funding)

Establishes criteria for coordinating activities under the act with programs and services provided by State and local education and training agencies including vocational education, public assistance, employment service, rehabilitation, post secondary institutions, economic development, homeless services, human services, etc.

Under the proposed WIA legislation, the local workforce investment board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding between the local board and the one-stop partners. The memorandum of understanding:

Describes services to be provided through the one-stop delivery system

Describes the funding of operation and service costs

Describes the methods of referring customers between the one-stop operator and the one-stop partners for appropriate services and activities

1. Cites the duration of the memorandum, procedures for amending the memorandum during the term of the document, and other provisions consistent with the WIA legislation and agreements among partners

Discussion: It appears that under WIA the memorandum of understanding replaces JTPA coordination descriptions in the GCSSP. The new memorandum of understanding between the local workforce investment board and each one-stop partner is quite specific and lays out

- a) the local board's expectations for each one-stop partner, and
 - b) the local partner's particular responsibilities
- according to the local board's design of its one-stop service menu and each one-stop partner's specialized service expertise.

The Department of Workforce Services may want to review our state workforce legislation and determine areas needing modification to ensure consistency with the federal Workforce Investment Act.

SECTION 121

Workshop Competencies Summary Chart

Participants to develop an individual Employment Plan.

Workshop #1: Intensive Job Search Skills Training (Also known as the Food Stamp Workshop)

- Purpose:** Help participants identify their skills and the techniques necessary to get a good job. Review Employer expectations in the context of job search. Identify jobs in the “hidden” job market and develop skills to research employers and market themselves in the interview.
- Format:** All modules taught during one week, usually 4-6 hours for 4 or 5 days. Average 20-24 hours in class, with outside of class expectations for homework assignments and job search contacts.
- Modules:** Career Decision Making (including identifying income needs)
Skills Identification
Hidden Job Market/Networking
Using Labor Market Information in the Job Search
Completing Job Applications
Cover Letters, Thank You Letters, and References
Resumes and Resource Center Overview (WinWay Resume, etc.)
Interviewing, Self Marketing and First Impressions

Workshop # 2: Job Retention Skills Training

- Purpose:** Help participants master and demonstrate the “soft skills” necessary for success in the workplace. Introduces the concepts of Interpersonal relationships in the workplace (teamwork, customer service, manners), as well as employer expectations regarding dress, grooming, ethics, responsibility, etc. Focuses on the importance of attitude and self-esteem in retaining as well as progressing in the work place.
- Format:** All modules taught during one week, usually 6-8 hours for 5 days. Average 30-40 hours in class. Includes an employer panel and opportunity to apply for jobs with targeted employers.
- Modules:** Self Esteem
Punctuality and Regular Attendance
Positive Attitudes and Overcoming Fears
Appropriate Work Place Appearance (dress, grooming for the job)
Interpersonal Relationships:
 Teamwork
 Customer Service
 Ethics
 Manners
Employer Expectations (including panel)
Legal Issues in the Workplace (some presenters cover this module in Job Search Skills training, depending on customer needs.)

Sexual Harrasment
Domestic Violence
Hiring and Firing
Discrimination
IRCA Regulations
Career Development

Workshop #3: Life Management Skills Training

Purpose: To provide core services required under Perkins legislation and to provide short-term prevocational services, including development of life, personal maintenance and learning skills to prepare individuals for unsubsidized employment or training.

Format: 30-40 hour workshop. Delivery varies depending on customer needs. Current options include:

Meet one day/week for 3-4 hours over a 10-week period.

Meet two days/week for 1-3 hours over a 10-week period.

Meet part or full days during a single week.

Incorporate modules into Job Search Skills and Job Retention Skills workshops as needed.

Other as requested or needed based on customer requests.

Modules: Establishing and Maintaining a Support System
Goal Setting, Problem Solving and Decision-Making
Time Management
Stress Management
Personal Finance and Budgeting
De-junking Your Life
Organizing your Work Place

Workshop #4: Assertive Communication Skills Training

Purpose: To provide core services required by Perkins legislation and short-term prevocational services, including communications skills, professional conduct and attitude to prepare individuals for unsubsidized employment.

Format: 12-18 hour workshop. Delivery varies depending on customer needs. Current options include:

Three 4-6 hour sessions during a single week.

1-2 hour sessions once per week over a 12-18 week time period.

Two full days.

Modules: Communication Styles
Listening Skills
Expressing Thoughts, Feelings, Wants and Needs
Self Talk and Affirmations
Personal Power and Responsibility
Saying No
Centering
Criticism and Negative Feedback
Validation and Positive Feedback
Conflict Resolution
Anger Management

Workshop #5: Assessment and Planning

Purpose: This workshop provides a group setting in which to assess needs, interests, values, goals, etc., as they related to employment decision-making. Includes a group presentation of the implications of the results, and is followed by one-on-one appointments to develop an individual Employment Plan.

Format: Still pending per final recommendations from Connie Romboy regarding assessment instruments. However, has been done in Central Region as a 2-4 hour group session in combination with a brief overview of the workshops available to customers.

Instruments used in Central Region have included:

Self Survey (work history, self-identification of work barriers, support systems, etc.)

Interest Inventory (COPS, USES, etc.)

Personality Inventory (Myers-Briggs or Kiersey, Holland Code assessment, one group used)

Aptitude/Ability Inventory (CAPS, ABLE, CASAS have all been used)

Values Inventory (COPES)

An assessment program has also been functioning in the Western Region for 4 years, which also provides the customer with the services necessary to develop a personal employment plan.

Modules: Work History
Barriers to Employment
Support Systems
Interests
Values/Goals

Personality
Aptitude/Ability
Mental Health/A&D if appropriate

SECTION 122

Identification of eligible providers of training services

Analysis/Overview

(a) Providers of training services MUST meet requirements in this section and be:

A. a post-secondary school eligible for title IV funds and provides associate or baccalaureate degree, or certificate.

Or B. an entity that offers Apprenticeships

Or C. another 'public or private provider of a program of training services

(b) Initial eligibility of providers:

for A or B, must submit an application to the local/state board "in such manner and containing such information as the...board may require"

For C, The Governor shall establish a procedure for boards to determine initial eligibility of these providers. This includes services offered by A or B that may not meet A or B requirements

Governor shall solicit recommendations of local/state boards and training providers for eligibility procedure, also get public comment

Provider shall submit application:

for current services, shall include 'an appropriate portion' of performance and cost information, and be meeting performance levels

Subsequent eligibility:

Governor shall establish procedure for board use, to determine the provider's eligibility to continue to receive funds after an initial period of eligibility.

Governor shall solicit recommendations of local/state boards and training providers for 'subsequent' eligibility procedure, also get public comment

Procedure must consider:

-specific economic, geographic, and demographic factors in the local areas

-characteristics of populations served by providers, including demonstrated difficulties in serving such populations

Also required:

Performance and program cost information (see below) and any additional information on an annual basis; time and manner to be determined (by Governor)

Performance levels must be met, using quarterly records required in Section 136.

(d) Performance and program cost information includes:

- verifiable program performance information including completion rates for all individuals participating in program conducted by provider
- percentage of all individuals participating who obtain unsubsidized employment, and may include those who obtain training-related unsubsidized employment.
- wages at placement of all individuals participating in the applicable program
- percentage of WIA participants who complete training and obtain unsubsidized employment
- 6-month retention rates in unsubsidized employment for those who complete
- 6-month retention wages reported
- rate of licensure, certification, degrees, or other measures of skills of program graduates

In addition the Governor may require:

- retention rates in employment and wages of all program completers
- rates of licensure or certification for all completers
- percentage of completers who attain industry-recognized occupational skills
- other verifiable program-specific information

If additional information imposes extraordinary costs on providers, the Governor or board will provide access to cost-effective methods for information collection, or resources to assist providers with the collection, from WIA funds.

Board and state agency may accept program-specific performance information consistent with Title IV requirements if the information is substantially similar to WIA-required information.

(d)(1)(A) verifiable program-specific performance information consisting of — (i) program information and of — (ii) training service information.

This section requires training providers to document their passed performance using a series of new performance measures. These measures focus on training completion, job entry rate, wages at placement, 6th month job retention, 6th month wages, training occupation relative to job occupations, attainment of licensures, certificates, etc. The State Board will have the responsibility to review and accept this information. DWS will likely be requested by some of our training partners to help track historical employment and wage information so that they can build their base line performance since this type of tracking information is not totally available.

(e) Local identification

Board shall keep a list of those providers determined eligible, initially and subsequently. The list will include performance and cost information.

Board will submit list to state agency. State agency may determine that provider does not meet performance levels and remove the provider from the list for subsequent approval.

State agency will keep a list and disseminate it to one-stop delivery system, to be made available to participants in employment and training activities. Any eligible provider can be selected by eligible individuals.

State may have reciprocal agreements to serve non residents.

(f) Enforcement

If state agency determines provider intentionally provides inaccurate information, provider will be ineligible for at least two years.

If state agency or board determines a provider ‘substantially’ violates any requirement in WIA, the provider’s eligibility may be terminated or other appropriate action may be taken.

A provider whose eligibility is terminated shall be liable for repayment of all funds received during any period of noncompliance.

The Governor will establish procedures to appeal such eligibility decisions.

(f)(1) If the...State board...determines that an eligible provider... intentionally supplies inaccurate information... the agency shall be terminated...

Accuracy of information is a State Board function. If validation efforts are pursued, it is reasonable that DWS will likely play a part given its access to keep administrative data bases describing employment and earnings.

(h) OJT or Customized Training

Providers of OJT or customized training are not subject to above requirements

***WIA does not set a time limit for OJT nor discuss contract requirements as did JTPA. There may be more flexibility in using this training service.

A local one-stop operator shall collect such performance information from OJT and Customized Training providers as the Governor ‘may’ require, determine whether performance criteria are met, and disseminate names of eligible providers and their performance information.

Governor shall designate the ‘state agency’.

SECTION 123

Identification of Eligible Providers of Youth Activities

The state/ local board will identify eligible providers of youth activities by awarding grants or contracts competitively, and provide oversight.

Regulation Issues

(2)(A) Does that mean a certificate of completion or skill attainment like ATCs offer?

Let the local/state board decide what the application must contain- don't put in regulation

If the provider does not provide training services at application, let the state determine what requirements would be appropriate.

Should state or regulations determine how long the "initial period of eligibility" will be?

What exactly is meant by "specific economic, geographic, and demographic factors in the local areas"? What do demographic factors have to do with school eligibility?

What is meant by 'characteristics of populations served by providers, including demonstrated difficulties in serving such populations'?

"Performance and program cost information" what does "all individuals" mean, concerning performance information? Not clear if it means all students in the school accounting program, or all students in accounting funded under WIA. For training service information, it is clear it means participants who receive WIA assistance.

Does performance information have to be broken down by school program? For instance, information for accounting is separate from information for welders, clerical workers, computer programmers, etc.

What is considered an 'extraordinary cost' to a provider?

Proposed Changes

DWS has started discussions on how to certify schools for training for DWS customers. This part of the law will give DWS an outline of requirements to use for the process; we won't have to make up our own from scratch.

Compliance Issues

What are reporting requirements for HEA Title IV programs? If much of this information is already gathered we won't have to duplicate it. Also, some schools may be disqualified if they don't report WIA requirements.

Certifying schools for training will be a compliance issue.

Opportunities for Change

WIA requirements can line up with Department of Education requirements, simplifying reporting for all concerned.

What Position does DWS take?

We would like some issues clarified.

The “initial period of eligibility” stated in Section 123 should be defined within the states.

SECTION 126 Youth Activities General Authorization

Summary

Authorization is given to the Secretary to make an allotment to states that meet the requirements of section 112 (state plan). State allotments are described in section 127 and are for the purpose of providing workforce investment activities for eligible youth. The state plan requires the Governor to formulate a strategy for providing comprehensive services to eligible youth, particularly those with significant barriers to employment. In addition, the state plan calls for a description of the state performance accountability system, which includes youth performance measures. Other areas in the state plan that relate to youth activities include youth representation on the state Workforce Investment Board and the establishment of Youth Councils to operate as a subgroup of Local Workforce Investment Boards.

Discussion

State Workforce Investment Boards

Individuals and representatives from organizations that have experience with respect to youth activities must be included on the state WIA Board. In addition, the Governor may designate representatives from juvenile justice programs to participate on the board.

Currently, there is no youth representation on the State Council. As the State Council may be used for the State WIA Board, individuals with experience in youth activities will need to be designated as members. This action will not only serve to comply with the act, but will afford youth representation in formulating the state strategy for providing comprehensive youth services. Specifically, youth representatives can be instrumental in: identifying criteria to be used in awarding grants for youth activities; identifying criteria to identify effective activities and providers of youth activities; coordinating youth activities with Job Corps services; and identifying performance measures for youth activities.

Regionally and nationally, most states have State Councils or Workforce Development Boards (or similar organizations) that may be used for State WIA Boards. Similar to Utah, many states will have to designate youth representation to comply with the Act.

Local Workforce Investment Areas and Boards

According to section 116(b) of the Act, a state may be designated as a single State local area if it was considered a single State service delivery area as of July 1, 1998. As Utah fits this criteria, it may be designated a single State local area for the purposes of the Act. ***Assuming Utah will elect to considered a “local area”, the Governor may designate the State WIA Board (State Council) to carry out the functions of the Local WIA Board.***

Local WIA Boards are primarily made up of the same type of membership as the State WIA board. Local Boards do, however, place an emphasis on local representation, along with representation from local educational entities and community-based organizations. ***If Utah is considered a local area, the role of local boards will need to be determined.*** Additionally, Youth Councils are to be established as a subgroup of the local board in each local area. Youth Councils are to include the following individual and agency representation: youth service agencies; parents; public housing authorities; Job Corps; and former youth program participants. Youth Councils will be responsible for developing portions of the local plan, recommending providers of youth activities and coordinating local area youth activities. ***These local councils will allow the opportunity for a wide range of organizations and individuals to play an integral part in the development and delivery of youth activities. This should be considered when evaluating the use of Youth Councils in light of Utah operating as a Single state local area.***

Youth performance measures

In addition to Youth Councils, local boards will play a vital role in youth activities, specifically in the area of youth performance measures. WIA core performance indicators for youth (ages 19-21) include:

- Entry into unsubsidized employment.
- Retention in unsubsidized employment six months after entry into the employment.
- Earnings received in unsubsidized employment six months after entry into the employment.
- Attainment of educational or occupational skills, entry into post-secondary education or advanced training.

Core performance indicators for youth (ages 14-18) include:

- Attainment of basic skills and, as appropriate, work readiness or occupational skills.
- Attainment of secondary school diplomas and their recognized equivalents.
- Placement and retention in post-secondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships.

As mentioned, membership in local boards will include representatives from educational entities. These entities include educational agencies, local school boards and post-secondary educational institutions. ***Noting that many of the youth performance measures include educational components, it is essential that these educational entities become actively involved in the oversight of local youth activities.*** The local boards can provide the linkage between traditional labor exchange activities and educational services.

Given the importance of educational components in the accountability system, it seems the One-Stop system shares a disproportionately high responsibility in areas traditionally associated with the education system. This being the case, and considering the possible sanctions the state may face for not meeting performance measures, ***it would be beneficial if federal regulations allow for maximum flexibility in providing incentive grants for local coordination of activities.*** This may help to overcome the expected institutional inertia and would result in a vested interest for all involved to provide the comprehensive youth services as outlined by the Act. Other states regionally and nationally will most likely face these same issues in varying degrees based on previous agency articulation and collaboration from School to Work initiatives.

In addition to providing educational expertise, local boards also provide needed employer linkages through membership of local business and industry representatives. This type of peer outreach is necessary to achieve the necessary level and range of private sector involvement.

As the Act is largely silent on the possible use of local boards for states that elect to become single State local areas, it would be beneficial for federal regulations to give flexibility in this area. Although the Act indicates the State WIA Board can perform the functions of Local WIA Boards, this may not be logistically practical in a state the size of Utah. In addition, ***because of varying demographics and industry within the state, local boards are necessary to ensure the needs of individual areas within the state are met.*** As previously mentioned, local boards will also help to strengthen linkages with education and employment, resulting in higher levels of performance. Other states considering the option of becoming a “local area” also must address these same concerns. Many smaller states will obviously take this option, however they may not have to deal with the same issues as a state the size of Utah. Regulations allowing single State local areas flexibility in the use of local boards would certainly benefit most states in this category.

SECTION 127

State Allotments

Determines how Secretary will make allotments for youth activities to states and to outlying areas. Specifies formulas for allotting funds, calculation methods and minimum and maximum percentages including small state formulas. Includes definitions of substantial unemployment; disadvantaged youth, and excess number (unemployment) and low-income levels. Outlines procedures for reallocation if funds are not obligated.

Regulation Issues

No specific additional regulations needed.

SECTION 128

Within State Allocations

Determines how states will allocate funds. Reserve not more than 15% of youth and adult and dislocated worker funds for statewide workforce investment activities. These funds may be spent for any of the three populations. Specifies a normal formula with minimum percentages and an alternative discretionary allocation formula. Local board restricted to not more than 10% of the amount may be used by the local board for the administrative cost of carrying out local workforce investment activities; Secretary shall develop and issue regulations that define the term “administrative cost”; Includes provisions for reallocations among local areas.

Need to work with the DOL to develop a definition of “administrative cost”. Allocations to the regions will need to be worked out since local distributions will be to our statewide board.

Section 128, “Administrative Cost” needs to be defined by DOL.

SECTION 129

Use of Funds for Youth Activities

Summary

Youth activities under the Workforce Investment Act (WIA) seek to provide comprehensive services which focus on helping eligible youth achieve academic and employment success. The Act’s holistic approach endeavors to provide youth with educational skills and competencies as well as providing effective connections to employers. Youth activities under the WIA will require strong linkages with educational agencies as well as the business community. One of the major changes enacted by the WIA is the consolidation of the summer and year-round youth programs that currently operate separately under the Job Training Partnership Act. With this single youth funding stream, states will have greater discretion in determining the manner in which to allocate resources to best serve youth.

Discussion

Eligible Youth

To be eligible for services under the Act, youth must be ages 14-21, low income, and meet one of six specified barriers to employment. *Generally, the Act does not affect the eligible youth population currently served by DWS. It does, however, somewhat tighten eligibility guidelines for youth as eligibility for free meals under the National School Lunch Act is not mentioned in the Act as a way to meet low income standards.* Although this may not substantially alter the

pool of potentially eligible youth, it does affect eligibility processing as this element was perhaps the most readily and easily verifiable way to determine a youth's eligibility. ***It would be beneficial if the regulations from the Act address this issue.***

As mentioned, ***eligible youth are required to have at least one of a possible six barriers. This also potentially tightens eligibility guidelines as the current summer youth program does not require participants to have barriers. Absent in the Act is the option of a state defined barrier. Because of this, it would be advantageous if federal regulations allow for a loose interpretation of the WIA defined barriers to allow for possible differences in local needs.***

To focus resources on those most in need, ***the Act indicates 30 percent of local funds must be expended on out-of-school youth.*** Although the Act allows for exceptions to this rule, the exceptions mainly apply to smaller states. ***The WIA has a much more narrow definition of out-of-school youth than current JTPA regulations, which may affect current youth recruitment efforts. The Act further focuses on those most in need by narrowing those who may be exempted from low income criteria from the JTPA 10 percent to 5 percent.***

The Act does not mention other requirements such as residency, eligibility for work, or selective service requirements. It is possible that these requirements are seen as implied and that they will be addressed in the federal regulations.

Consolidation

As mentioned, ***the Act combines the formerly separate year-round and summer youth program funding into a single youth funding stream.*** The WIA youth program blends youth development activities with traditional employment and training services. ***Under the Act, the combination of year-round and summer activities is left to local discretion. Historically, DWS has placed more emphasis on summer activities rather than year-round youth activities. This has largely been due to diminishing year-round funding. The Act's 30 percent out-of-school requirement along with the addition of mandatory barriers for all youth may shift some emphasis to year-round activities as these requirements are generally not indicative of summer youth participants.*** Other states who have traditionally focused on summer activities will face similar issues. ***It should be noted that state policy will have to be written to accommodate these changes.*** However, the uniting of youth activities will allow for a simplified, consolidated state youth policy.

Given the department's past focus on summer activities, it is notable that the ***Act directly links summer employment with academic and occupational learning.*** This solidifies the direction the Department of Labor has given in the area of "academic enrichment" as a required element of summer youth activities. By expanding the connection between education and employment, a link can be established between summer work experiences and the regular school year curriculum. ***This type of link will require agency coordination and intensive private sector involvement.***

Eligibility Process

The WIA provides little guidance on eligibility issues such as applications, documentation and operational requirements. With the performance-based emphasis of the Act, it would benefit states to have the federal regulations remain largely silent in this area. Maximum flexibility should be given in allowing states the opportunity to design their own eligibility procedures. *The regulations should also address the possible use of technology to develop more efficient systems of eligibility determination.* All states would benefit from flexibility in this area.

Design

Assessment continues to be a required element under WIA, as does development of service strategies. DWS currently has a waiver to allow for state policy to be used in these areas, specifically for the use of employment plans. As the Act does not repeal current waivers, this does not appear to have any affect on current state policy. As these elements were required under JTPA, all states currently have some form of assessment and employment planning in their workforce initiatives.

Program elements

The WIA's required program elements are similar to currently allowed activities. However, the Act does incorporate new elements which are tied to educational activities. The required activities under the Act include:

- Tutoring, study skills training and instruction leading to completion of secondary school, including dropout prevention strategies.
- Alternative secondary school services.
- Summer employment opportunities that are directly linked to academic and occupational learning.
- Paid and unpaid work experiences, including job shadowing and internships.
- Occupational skill training.
- Leadership development opportunities.
- Supportive services.
- Adult mentoring.
- Follow-up services for not less than 12 months as appropriate.
- Comprehensive guidance and counseling, which may include drug and alcohol use counseling and referral.

Under the WIA, DWS employment counselors will have a wider array of activities for eligible youth. Because of the strong emphasis on educational activities, it will be critical for educational agencies to become involved local board activities. The Act does indicate Youth Councils shall establish linkages with appropriate educational agencies. These linkages will be essential to determine appropriate youth service providers and to establish inter-agency articulation and collaboration. Once the linkages are established, employment counselors can act as brokers to inform and place participants in appropriate activities.

With the emphasis on comprehensive youth activities, many states will need to determine the extent of staff time they are willing to allocate for youth service delivery. Some of the youth activities are very time-intensive. ***With the current focus on TANF time limits, many states may have to rely on grants to eligible youth providers to provide many of the required WIA elements. It would be beneficial if the federal regulations allow each local area to determine the extent that youth services will be integrated with the adult and dislocated worker service delivery system.***

Additional requirements

Under the WIA, states are required to disseminate a list of eligible providers of youth activities. States are also required to provide assistance to local areas that have high concentrations of eligible youth to carry out the required youth activities.

Additionally, states are required to refer youth who do not meet eligibility or enrollment requirements for further assessment, as necessary, to meet the basic skills and training needs of the individual. Regarding educational issues, the Act indicates there are no provisions for any direction or supervision over educational curriculum. Also stated in the Act is the provision that WIA funds shall not be used for funding of the School-to-Work Opportunities Act of 1994.

Youth eligibility outlined in Section 129 should be left up to state discretion.

SECTION 131

General Authorization

Analysis/Overview

(a) Although the Section simply indicates the Secretary shall make allotments [under the specific criteria identified for adults and dislocated workers] to States [which satisfy the criteria under state workforce investment boards and five year plans] to provide workforce investment activities, ***it's imperative Utah define DWS's statewide service delivery area as WIA's one local area.*** Under this configuration, the "elected official" is the Governor. This would provide the maximum flexibility in allocation processes, program operation, and local determination.

Further its is assumed any local area greater than 500k population will not request federal "local area designation" from the Governor. Rather current Regional areas will maintain their individual program operational status and include "local elected" entities by shadowing WIA's structure to obtain representation.

Simply put, this configuration implements WIN's sub-state structure on a voluntary basis of cooperation between local and state entities. Whereas, State to federal relationship is based upon one statewide SDA administration.

(b) Allotment of funds are for the purposes of providing employment and training and workforce investment activities for adults and dislocated workers while maintaining separate funding streams.

State allotments as defined in Section 132 in general reserves 20 percent by the Secretary of Labor for national emergency grants, dislocated worker technical assistance, and dislocated worker projects. The remaining 80 percent will be allotted to local areas (States) for the following purposes:

Dislocated Workers: 60% - Allocated for employment and training activities.

15% - (Not more than 15%) Set-aside for statewide workforce investment activities, with administration limitations.

25% - (Not more than 25%) State rapid response activities.

Adults: 85% - Allocated for employment and training activities.

15% - (Not more than 15%) Set-aside for statewide workforce investment activities, with administration limitations.

Regulation Issues

No observations are made because Regulations have not been issued. We request Regulations be provided for the clarification of numerous issues. We suspect the existing waiver system will be available for state requests.

Compliance Issues

(a) Although numerous compliance issues exist within each Section, many issues can be categorized as data output products which WIA mandates be disseminate to customers to assist in their choice making for training, service providers, and production cost. The infrastructure required to produce these seemingly simple data products are not currently in place and will require federal waivers if production is to commence on July 1999.

(b) Funds for dislocated workers will be allocated on a formula basis based on insured unemployment data, unemployment concentrations, plant closings and mass layoffs data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data, requiring DWS to have a way to retrieve this data. This will require accurate LMI/ MIS and fiscal data systems to ensure equitable allotment of funds, and to prescribe uniform and equitable procedures for making funds available for regional employment and training activities as well as the obligation of funds in order to avoid reallocation or in the event the State is required to real lot funds.

Opportunities for Change

(a) Given the premise that effective and efficient DWS change can be optimized by minimizing WIA's federal requirements upon Utah, the suggested position is to maintain our statewide one area configuration. Although the new act provides for greater local flexibility, program operation, and planning, Utah's current 5 Region configuration complements these now federal

mandates, so long as DWS can corporatively identify improved production results in terms of increase wages, placements, local effectiveness.

(b) Flexibility of the 15% set-aside. Set-aside could be used to develop necessary infrastructure necessary to meet compliance of WIA. Could use the 5 year strategic plan to define use of 15% set-aside.

What Position does DWS Take?

DWS is the Governor's appointed administrative arm for Utah's one "local area" which will address all federal WIA mandates. However, Utah's 5 geographical regions may or may not mirror local requirements under WIA mandates. This specific relationship will be determined by the Regions and State DWS entities (not from WIA mandates). Consequently, it's critical intra equitable procedures be established between all Regions and State boards for representation, successful production, and what information is needed for these choices. Whatever Utah's final position is between the feds and WIA environment in Utah, Utah State law should reflect in codification.

SECTIONS 132

State Allotments

Determines how Secretary will make allotments to the states and outlying areas. Specifies formulas for allotting funds, calculation methods and minimum and maximum percentages including small state formulas. Includes definitions of adult, disadvantaged adult, area of substantial unemployment and disadvantaged adult special rule. Outlines procedures for reallocation if funds are not obligated.

Regulation Issues

No specific additional regulations needed.

SECTION 133

Within State Allocations

Determines how states will allocate funds. Not more than 15% shall be reserved for statewide workforce investment activities. Rapid Response shall not be not more than 25% of dislocated worker funds. Specifies a normal allocation formula for adults activities with minimum percentages and an alternative discretionary allocation formula. The Governor establishes a formula for allocating dislocated worker funds. 133 (b)(4) Authorizes the Governor to transfer of up to 20% of funds between the adults and dislocated workers funding streams. Specifies that funds shall be used to contribute proportionately to costs of one-stop delivery systems. Allow for reallocation if funds are not obligated.

Regulation Issues

No specific additional regulations needed. Allocations to the regions will need to be worked out since local distributions will be to our statewide board.

SECTION 134

Use of Funds for Employment and Training Activities

Allows for flexibility between three funding streams for 15% reserved for statewide investment activities. Limits the funds for administration to 5% per funding stream of the 15% reserve. Funds may be used for any of the three programs.

Analysis/Overview

(a) Statewide rapid response activities shall include

- 1) provision of rapid response activities
- 2) provision of additional assistance for disasters, mass layoffs or plant closures, or other events that precipitate substantial increases in the number of unemployed individuals

Required Statewide employment and training activities shall include the provisions of statewide rapid response activities, and has no substantive change from JTPA Title III. State plan will provide description of how the State will provide rapid response activities to dislocated workers, including the designation of an identifiable State rapid response dislocated worker unit.

(b) Other **required** statewide employment and training activities shall include

- 1) disseminating State list of eligible providers of training services, including non-traditional training, on-the-job training and customized training, and performance and program cost information,
- 2) evaluation of activities,
- 3) incentive grants for regional cooperation, coordination of activities, for exemplary performance,
- 4) technical assistance where performance measures aren't met,
- 5) assisting in establishment/operation of one-stop delivery systems, and
- 6) operating a fiscal and management accounting information system.

Allowable statewide employment and training activities may include

- 1) administration by the State of activities,
- 2) capacity building and technical assistance to one-stop operators and partners, and eligible providers,
- 3) conduct research and demonstrations,
- 4) A) innovative incumbent worker training programs,
B) programs targeted to empowerment zones and enterprise communities,
- 5) support for identification of eligible training providers,
- 6) A) innovative programs for displaced homemakers,

- B) programs to increase number of individuals training for/placed in non-traditional employment,
- 7) carrying out other activities that the State determines to be necessary to assist local areas.

The Governor may reserve no more than 15 percent of youth activities, adult, and dislocated worker employment and training activities funds to be used to carry out statewide youth, adult, and dislocated worker activities. Of these reserved funds, not more than 5% of each may be used for the administration of activities.

To carry out other required statewide employment and training activities the State shall use the reserved 15 percent set-aside funds regardless of the funding stream to (1) disseminate State list of service providers, (2) conduct evaluations, (3) provide incentive grants, (4) provide technical assistance, and (5) assist in establishing one-stop delivery systems, and (6) operate fiscal and management accountability information systems.

A one-stop delivery system shall provide core services, intensive services, and training services, including serving as the point of access to individual training accounts for training services. It shall further provide access to the permissible local activities, the one-stop partner's programs and activities, and information in section 15 of the Wagner-Peyser Act and all labor exchange services.

At a minimum, the one-stop delivery system shall make each of the programs, services and activities listed above accessible at not less than one physical center in each local/state area. It may also offer availability through a network of sites that provide 1+ of the services or through a network of eligible one-stop partners. These sites may specialize in addressing special needs, such as dislocated workers.

Specialized Centers may be part of the one-stop delivery in order to provide specialization in providing special needs, such as needs of dislocated workers. Funds allocated shall be used to (1) establish a one-stop delivery system, (2) core services, (3) intensive services, and (4) training service.

(d) Required local activities allocated funds for adults and dislocated workers shall be used to establish a one-stop delivery system, to provide core services, intensive services, and training services to adults and dislocated workers. Wagner-Peyser funding may also be used.

Core Services shall include

- 1) Determinations of eligibility,
- 2) Outreach, intake(may include profiling), and orientation to information and services available,
- 3) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs,
- 4) Job search and placement assistance, and career counseling where appropriate,
- 5) Employment statistics information:
 - a) job vacancy listings in local, regional, and national labor market

- b) job skills necessary to obtain jobs
- c) local occupations in demand/earnings and skill requirements for occupations,
- 6) Performance and program cost information on eligible training providers--youth activities, adult education, post-secondary and other vocational education activities, and vocational rehabilitation program activities,
- 7) How local/state area is performing on local/state performance measures,
- 8) Availability of supportive services and referral to services (Including child care and transportation),
- 9) Filing claims for unemployment compensation,
- 10) Assistance in establishing eligibility for:
 - Welfare-to-work activities
 - Financial aid for training and education programs not funded under WIA,
- 11) Follow-up services (including counseling regarding the workplace) for participants in WI activities who are placed in unsubsidized employment, for not less than 12 months.

Intensive Services shall be used for adults and dislocated workers

- 1) who are unemployed and unable to obtain employment through Core Services
- 2) who have been determined by a one-stop operator to be in need of more intensive services, **OR**
- 3) who are employed, but who are determined by a one-stop operator to be in need of such intensive services to obtain or retain employment that allows for self-sufficiency.

Intensive services shall provided directly through one-stop operators or through contracts with service providers. Intensive services shall include

- 1) Comprehensive assessments of skill levels and service needs which may include:
 - Testing and other assessment tools, and
 - Interviewing to identify employment barriers and appropriate employment goals,
- 2) Development of an individual employment plan to identify goals, appropriate achievement objectives, and appropriate combination of services,
- 3) Group counseling,
- 4) Individual counseling and career planning,
- 5) Case management for participants seeking training services,
- 6) Short-term pre-vocational services, including development skills to prepare individuals for unsubsidized employment or training.

Training services shall be used to serve adults and dislocated workers

- 1) who are eligible for intensive services and are unable to obtain/retain employment through such services,
- 2) who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or partner to be in need of training services and to have the skills and qualification to successfully participate in the selected training program,
- 3) who select training programs that are directly linked to employment opportunities,

- 4) who are unable to obtain other grant assistance, including Federal Pell Grants, or require assistance beyond other grant assistance programs,
- 5) who are determined eligible in accordance with an adult priority system if in use (When funds are limited, recipients of public assistance and other low-income individuals have priority for intensive and training services.)

Training services may be provided to an individual while an application for a Federal Pell Grant is pending, except that if the individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement from the Grant shall be made to the local area.

Training Services may include

- 1) Occupational skills training, including non-traditional training,
- 2) On-the-Job Training,
- 3) Programs that combine workplace training with related instruction--may include cooperative education programs,
- 4) Private sector training programs,
- 5) Skill upgrading or retraining,
- 6) Entrepreneurial training,
- 7) Job readiness training,
- 8) Adult education and literacy activities provided in combination with services 1)-7),
- 9) Customized Training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion.

One-stop centers will provide the State lists of eligible training, on-the-job training, and customized training providers. The performance and cost information for training providers will also be made available.

Training services will be provided through the use of individual training accounts, or will be provided through a contract for:

- 1) on-the-job or customized training,
- 2) the board determines there are insufficient eligible training providers to accomplish the purposes of individual training accounts,
- 3) the board determines that there is a training program of demonstrated effectiveness offered by a community based organization or another private organization to serve special participant populations that face multiple barriers to employment. (Definition: a population of low-income individuals that is included in one or more of the following: substantial language or cultural barriers, offenders, homeless, or other hard-to-serve populations as defined by the Governor.)

Training services shall be directly linked to occupations in demand, except that a board may determine training to be in sectors of the economy that have high potential for sustained demand or growth.

(e) Discretionary one-stop delivery activities may include

- 1) Customized screening and referral of qualified training participants to employment,
- 2) Customized employment-related services to employers on a fee-for-services basis.

Supportive services may be provided to adults and dislocated workers who are participating in core, intensive, or training services, and who are unable to obtain such supportive services through other programs.

Needs-related payments may be provided for adults and dislocated workers who are unemployed and do not qualify for unemployment compensation to enable individuals to participate in training. A dislocated worker who has ceased to qualify for unemployment compensation may receive needs-related payments only if enrolled in training: **1)** by the end of the 13th week after the most recent layoff, or **2)** if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months. The level of payments to a dislocated worker will not exceed the greater of the applicable level of unemployment, or an amount equal to the poverty line, for an equivalent period, which amount will be adjusted to reflect changes in total family income.

Regulation Issues

(a) (2) (A) (ii) Allow State to determine the definition of “substantial increases in the number of unemployed individuals” for rapid response activities.

Request definition of “additional assistance”.

(a) (2) (B) (ii) Evaluations are addressed three times throughout the Act. Request all evaluation information be incorporated in one area with clarification.

(a) (2) (B) (iii) Request definition of regional cooperation and local coordination for providing incentive grants.

(a) (2) (A) Allow the State to define “accessible”--Whether on-site service provision or access being in referral form.

(d) (2) What is the definition of “initial assessment” and how is it reported?

Request the ability to close out of an initial assessment period without performance penalty for all three areas: youth, adult, dislocated worker.

(d) (2) (K) Define “follow-up services” to be provided. Will training be an allowable activity for follow-up?

(d) (3) (A) (I) (I) How long must core services be provided before moving case to intensive services?

- (d) (3) (A) (I) (II) Provide guidelines on determining “need” for intensive services.
- (d) (3) (A) (ii) Define “self-sufficiency”.
- (d) (4) (A) (I) How long must intensive services be provided before moving to training services?
- (d) (4) (B) (ii) Allow State to determine what is an “appropriate reimbursement” for individual who is provided services and then is awarded a Pell Grant.
- (d) (4) (D) (vii) What is “job readiness training”?
- (d) (4) (E) Allow State to determine priority system for dislocated workers.
- (d) (4) (G) (ii) (II) What does “to accomplish the purposes of a system of individual training accounts” mean?

Compliance Issues

Need to define hard-to-serve populations.

Adapt service provision for adults and dislocated workers to the new core, intensive, training services requirements.

Core service provision for all customers, including follow-up services for not less than 12 months after the first day of employment for those who are placed in unsubsidized employment.-- Requirements of some type of tracking system for these customers. Ability to facilitate all core services for all adults and dislocated workers.

A required service under the 15 % setaside is the dissemination list of eligible and non-traditional training providers referencing production success, cost, placement, and evaluation information. Currently, the infrastructure is not available to support these information systems.

[Although not a compliance issue, we need to make provisions for incentive grants]

Clarification on Admin available for statewide 15 % setaside.

Under Required Core Services: p.61

- item F, is very close to the first item mention in this section which requires complete performance information, cost, availability, by local area of service, and supportive service availability. Again big infrastructure requirement which is currently not in place.
- item K requires 12 month follow up on all placements in unsubsidized employment. Need infrastructure to accomplish this and suggest we ask for U.I. sample process waiver.

Infrastructure designed to gather data elements to provide information in list of providers, including eligible providers of non-traditional training services, providers of on-the-job training and customized training, performance information and program cost information, and 12 month follow-up services for individuals placed in unsubsidized employment.

Incentive Grants guidelines and/policies.

Identify time frames that will be applied to core and intensive services prior to being able to approve and provide training services.

Requirement reimbursement from Federal Pell Grant if individuals are approved training services while an application for a Pell Grant is pending, and such individual is subsequently awarded a Federal Pell Grant.

Does State Procurement have restrictions against the use of private for profit employers being training vendors for customized training.

Permissible Local Employment and Training Activities allows for support services under core services which will require a tracking mechanism we currently do not have since these services are universal and do not require eligibility to receive.

Opportunities for Change

Use 15% set-aside to develop necessary infrastructure.

Specialized Centers could be used as an opportunity to test for effectiveness.
Allow for a statewide priority of dislocated workers.

Model for statewide, standardized service delivery for adults and dislocated workers: core, intensive, and training services.

SECTION 134

Use of Funds for Employment and Training Activities

(LMI refers to this section not so much for any specific reporting requirements, but to note that this section identifies those to be tracked.)

Allows for flexibility between three funding streams for 15% reserved for statewide investment activities. Limits the funds for administration to 5% per funding stream of the 15% reserve. Funds may be used for any of the three programs.

In Section 134, states should define the terms.

SECTION 136

Performance Accountability System

(b)(2)(A) ...for employment and training activities authorized under Section 134 (except for self-service and informational activities)....and shall consist of –

- (I) entry into unsubsidized employment;
- (II) retention in unsubsidized employment 6 months after entry into employment;
- (III) earnings received in unsubsidized employment 6 months after entry into employment; and
- (IV) attainment of a recognized credential relating to achievement of educational skills....

Plus a series of core indicators for eligible youth.

- (B) Customer Satisfaction Indicators
- © Additional Indicators

At the State Board level, providers will have to submit this information in a common format and hopefully through an integrated reporting system. The Act is unclear as to who is responsible specifically for providing what information. It is clear that services provided through the Wagner Peyser system will be DWS responsibility. There is some lack of clarity for Training Services. Will the DWS case manager or the actual Training Provider do the required follow up tracking to gain the above information. Also, will standardized tracking procedures be used for all providers, i.e., automated verses manual. The February release of regulations and reporting guidelines may clarify these issues, but it will likely need to be a negotiated item among involved providers. The out come to this issue also relates to the responsibility of who will provide on-going consumer training information available to customers at the One-Stop facilities.

My preliminary assumption is that DWS will track this information within its automated Case Management system. To handle this process, the existing system will have to be modified to handle necessary tracking items. In addition, a sophisticated reporting system will have to be structured to interact with the necessary wage files to gathering longitudinal employment and earnings information. We are current embarking on developing some of these strategies, but addition staff and automation resources will have to be applied.

(d)(2) Additional Information. –the State shall include, at a minimum, information on participants in workforce investment activities authorized under this subtitle relating to...

- (A)participants who have completed training
- (B)wages at entry into employment for participants in workforce investment activities....
- (D)retention and earnings received in unsubsidized employment 12 months after entry into employment
- (E)performance with respect to...who receive training...(and those) who received only services

(F)performance with respect to...recipients of public assistance, out-of-school youth, veterans, individuals with disabilities, displaced home makers, and older individuals

This section significantly extends potential reporting requirements and needed resources. While the State Board is the responsible for providing this information, the reporting team responsible must integrate all the sources of information and conduct 12 month employment retention and earnings analyses. Then the reporting system develops annual comparison data for all the subgroups identified above. Given that we serve over 250,000 + individuals a year, the designed reporting system's software and hardware will have to be substantial. In addition, DWS needs to determine where in its Eligibility, Case Management, or Employment Exchange systems will this longitudinal information be housed.

(g)(1)(B) Reduction in Amount of Grant – ...if a State fails to submit a report under subsection (d) for any program year, the Secretary may reduce by not more than 5 percent the amount of the grant....

This particular section is pretty straight forward in that it encourages States to report Performance Indicators required by the act. A July 1, 1999 implementation of WIA will put additional strains on reporting and programming priorities and staffing.

SECTION 136 (F)

Fiscal and Management Accountability Information Systems

Requires states to establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary after consultation with the Governors, local elected officials, and one-stop partners. Guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds...and for preparing the annual report. Includes sanctions for failure to meet performance measures.

Regulation Issues

Need to work with the DOL on definitions for establishing and operating fiscal systems.

SECTION 137

Authorization of Appropriations

For fiscal years 1999 through 2003.

Regulation Issues

No specific additional regulations needed.

Subtitle C - Job Corps

SECTIONS 141 through 161

Summary

The Workforce Investment Act (WIA) requires the Department of Labor (DOL) to have a Job Corps program. The Secretary of Labor, hereafter referred to as “Secretary”, will select an entity to operate a Job Corps center, as well as entities to provide services and activities within the center. This program provides an opportunity for students, ages 16 to 24, to receive academic, employment, social and vocational skills training to improve their skills and promote personal growth toward obtaining a job and beginning their careers. Job Corps’ unique approach to integrating academic, vocational, and social skills training in a residential setting and environment offers young people a chance to change their lives and get real work experience. In order to accomplish these goals and provide comprehensive services it will be critical for Job Corps centers to enhance and establish linkages with educational and employment service delivery systems, as well as with business and local communities. A significant change enacted with the WIA is the requirement to utilize one-stop service delivery systems, rather than public employment service systems for providing services to assist with the placement of Job Corps graduates. The Utah Department of Employment Services, a public employment service system, was one of the five agencies merged to create the **Department of Workforce Services (DWS)** whose mission and philosophy parallels that of a one-stop service delivery system to provide services. Therefore, DWS can serve as a one-stop service delivery system, providing more comprehensive services than we did in the past, to Job Corps in accordance with the WIA.

Discussion

Job Corps Centers and Activities

Under the WIA the Secretary, through a competitive process, selects and enters into an agreement with an entity to operate each Job Corps Center. The Secretary will also, in coordination with the Governor of the state, and industry and community representatives, select service providers appropriate to promote consistent activities within the centers and reflect local area educational and employment needs and demands.

The Job Corps training activities are divided into modules or functions, such as academic training, vocational training, social skills training, hands-on work experience, and employment and job placement services. The WIA directs these type of services be provided toward preparing eligible youth, through a combination of education, training and employment, to become responsible, employed and self-sufficient members of their communities. Many of these activities that enrollees participate in are parallel to like-activities and services provided to other youth groups through DWS. In addition, DWS staff in some local workforce investment areas are already active in assisting with the placement of program graduates, an activity which will continue under the WIA. The employment services provided to Job Corps as Job Service continue to be offered

by DWS. However, through the expansion and addition of services created by merging employment, employment related, financial and supportive services, DWS can now offer services more like a one-stop service delivery system, which will in turn enhance our partnering relationship with Job Corps.

Employment and Job Placement

Under JTPA the public employment service system (in Utah that was the Department of Employment Security) was to be used to the fullest extent for job placement of program graduates. The WIA changes that requirement by requiring that the arrangements for placement of graduates now be coordinated with and through **one-stop service delivery systems**. This does not adversely affect DWS, nor will it effect our working partnership with Job Corps. Rather, the creation of DWS has a positive and improve effect on our partnership because of the addition of services that became accessible and available at one physical location. In addition, these single location, multi-service centers are located throughout the state for customer satisfaction. DWS through its workforce information entity can continue to provide employment and occupational information occupations that are in demand and reflective of regions and specific local communities. Again, nothing within the WIA adversely effects or prevents our service provision to and working relationship with Job Corps. Rather, the development, creation and implementation of DWS July 1, 1997 was a significant step toward the one-stop service delivery system concept, as well as an active move to implement such a system prior to the enactment of WIA.

Partnership Participation

The WIA mandates that the Job Corps program be carried out in partnership with states and communities. Active employer involvement in program training is a key element toward ensuring that Job Corps students receive the work-related training they need to become competitive in the marketplace. This is an important action needed for compliance to the WIA. Another important and key element for compliance is access to and availability of valid, current and accurate local, regional and state occupational and employment information. DWS plays a critical and paramount role in compiling, preparing, publishing and distributing this occupational and employment information for: students to make career decisions and select a vocation/occupation; employers to use in identifying and offering work-related training that coincides with program and vocational training; educators to use in curriculum development that coincides with the occupational and labor market needs. By the very nature of developing, maintaining and sharing this information shows the presence of a link which is already in place and must continue in order to meet the needs of employers, employees, and students. In addition continued development, updating, maintenance and sharing of this occupational information is an active and on-going practice that complies with the requirement for continued improvement of service.

One missing element DWS will need to address in its State or Regional Council representation is the emphasis on a Youth Council which would be a sub group of the Local WIA Board. WIA anticipates members with a special interest or expertise in youth policy, representatives of youth

service agencies, juvenile justice and law enforcement agencies, representatives of local public housing authorities, representatives of parents of eligible youths seeking assistance, former youth participants, *or representatives of Job Corps.*

SECTION 161

Authorization of Appropriations

For fiscal years 1999 through 2003. Attached.

Regulation Issues

No specific additional regulations needed.

Subtitle D -- National Programs

SECTION 166

Native American Program

Section describes WIA as it pertains to U.S. Native Americans

- tied to Indian Self Determination and Education Assistance Act
- based on 2 year competitive grants with 2 year renewal options by Secretary
- eligible Native Americans eligible under section 401 of JTPA are eligible for WIA assistance
- section cannot limit eligibility of any entity to participate in any WIA activity offered by State

Regulation Issues

No recommendations for regulations

SECTION 167

Migrant and Seasonal Farmworkers Program

Analysis/Overview

This section relates 402 JTPA programs for MSFWs (not the mandate to serve MSFWs under Judge Ritchie court order in The Wagner-Peyser Act). Some of the activities under are:

Training
Educational assistance
Literacy assistance

English as a second language
Work safety training
Housing
Supportive services
Dropout prevention activities
Employment

All of the above activities, except Employment, are not provided by DWS, but they may be subcontracted to other providers under an agreement or contract with DWS.

DWS staff assigned to MSFW activities have an understanding of the problems of the MSFW, including dependents, a familiarity with the area to be served and has demonstrated a capacity to administer a diversified program of workforce investment activities.

Regulations Issues

none

Proposed Changes

none

Compliance Issues

None. DWS met all MSFW compliance issues. We have developed a very sophisticated MSFW Alert Roster System that helps the Employment Centers identify services that we must provide to this segment of the population.

Opportunities for Change

none

What Position does DWS take?

DWS has the mandate (under Wagner-Peyser) to serve the MSFW population at the same level as the non-migrant population (equity of service) it would make sense to let DWS be the grantee to avoid duplication of services.

SECTION 168

Veterans' Workforce Investments Programs

Analysis/Overview

The bill broadens eligibility to add veterans with significant barriers to employment and veterans who served on active duty during war or a campaign for which badges were authorized, and recently separated veterans.

UTES already has a case management system to deal with clients with barriers to employment.

DWS has already established the linkages with other service providers of workforce investment activities.

DWS is already providing the majority of the workforce investment activities.

DWS has already established outreach activities for veterans in order to inform veterans about job training, employment, on-the-job training and educational opportunities under this Title, Title 38, United States Code, and other provisions of law.

The DVOP staff is already spending 25% of their time doing outreach activities.

DWS has established appropriate fiscal controls, accountability, and program performance measures.

Regulations Issues:

none

Proposed Changes to Regulations

none

Compliance Issues

None. DWS met all compliance standards last year except some reportable service.

Opportunities for Change

none

What Position Does DWS Take?

No major impact or drastic changes as far as DWS having to change the way we deliver services to veterans. We have specific pathways established at the EC's designed to handle our veteran population.

SECTION 169

Youth Opportunity Grants

Summary

The Workforce Investment Act (WIA), reserves amounts appropriated for youth in excess of \$1 billion (up to \$250 million) for Youth Opportunity Area grants. This funding will be directed to youth ages 14 through 21, who live in high poverty areas. The grants will provide comprehensive services designed to increase employment and school completion rates of youth.

Discussion

To be eligible for these grants, local boards must serve communities that are designated Empowerment Zones or Enterprise Communities, or that meet other high poverty criteria. Local entities may be eligible if they meet poverty criteria or are located on an Indian reservation. Through a competitive grant process, local boards or entities are required to submit an application to the Secretary which includes a description of activities that will be provided to youth in the target community. The application must also address performance measures, linkages to other activities and community support.

In general, the grant provides activities that are outlined in section 129 (formula youth program). Youth development activities such as leadership development, community service, and recreation activities are also included. In addition, the program is to provide intensive placement services and follow-up services for not less than 24 months after completion of activities. All activities are focused on changing the local culture of joblessness and high unemployment.

Based on current economic conditions within the state, it is doubtful any local area board would be eligible to apply for this grant. The Act does indicate, however, that states without Empowerment Zones or Enterprise Communities can apply for the grant if the Governor designates an area as a high poverty area. Also, as mentioned, entities located on Indian reservations, or entities in areas of high poverty rates can apply for the grant independent of state association. Within Utah, it would appear more likely to have an independent entity apply for this funding rather than a local state area.

Similar to Utah, no other regional states have areas designated as Empowerment Zones or Enterprise Communities. Again, it would seem likely that any application from regional states would come from independent entities. This grant opportunity mainly impacts highly urban areas that suffer from chronic unemployment and joblessness. These are the areas that have typically been designated Empowerment Zones or Enterprise Communities. Many of these areas have previously been the recipients of Kulick grants, which is the demonstration precursor to the Youth Opportunity grants.

SECTION 170

Technical Assistance

Section describes what the Secretary will provide in terms of technical assistance which includes replicating programs of “demonstrated effectiveness”, staff development and to *assist States in making the transitions from carrying out activities of provisions that have been repealed under section 199: (partial list) Immigration Reform and Control Act, Title II of Public Law 95-250, Displaced Homemaker Self-sufficiency Assistance Act, Act, Subtitle C of the Title Vii of the Stewart B. McKinney Homeless Assistance Act, Job Training and Partnership Act.*

- assistance will come in the form of grants, cooperative agreements, and contracts
- anything over \$100,000 has to be competitive
- the Secretary can hold out no more than 5% of \$ under section 132 (a) (2) , Adult Employment and Training Activities, to provide TA to States that don't meet performance measures under section 136 with respect to dislocated workers; the secretary can also provide TA to help with continuous improvement for entities that provide dislocated worker services that do meet standards (if any \$ is left!)
- can provide training to staff who provide rapid response

Regulation Issues

No recommendations for regulations

SECTION 171

Demonstrations, Pilot, Multi-service, Research, and Multi-state Projects

Every two years the Secretary will publish a plan describing above activities project priorities for next five years.

- project results must be have interstate validity
- projects must address nation E & T issues
- all projects must have a “direct service to individuals” provision
- some areas that may be included are training in empowerment zones (may be of interest to Utah), projects promoting distant learning, projects for out of school youth in high poverty areas, unmet high tech skills needs in communities, partnerships with national organizations addressing E &T for disabled people, E & T for public housing customers.
- grants will be competitive unless a joint project with other entity that puts in dollars.
- secretary will conduct 2 year study to improve formulas under section 132 (b)(1)(B), allocation of funds, to figure out how to base formulas on statistical based data, consistent with goals, and stability of State boards
- grants will be available to address nation issues such as industry wide skill shortages and special population needs

Regulation Issues

No recommendations for regulations

SECTION 172**Evaluations**

The secretary will provide for continuing evaluation of the programs and activities

- evaluations may be for all of the provisions of Section 132, plus evaluations can be conducted for employment related activities of other federally funded programs

Regulation Issues

No recommendations for regulations

SECTION 174**Authorization of Appropriations**

For fiscal years 1999 through 2003 for Native American programs, Migrant and Seasonal Farmworker Programs, Veterans' Workforce Investment Programs, technical assistance, demonstration and pilot projects, evaluations and incentive grants.

Regulation Issues

No specific additional regulations needed.

Subtitle E - Administration**SECTION 181****Requirements and Restrictions**

- (a) Outlines rules for paying benefits;
- (b) Labor Standards that must be followed for clients;
- (c) Outlines grievance procedures;
- (d) Funds can not be used to encourage or induce relocation of businesses;
- (e) Funds can not be used for economic development type activities; and
- (f) Rules on testing and sanctioning for use of controlled substances.

Regulation Issues

No specific additional regulations needed.

SECTION 181

Grievance Procedure

Analysis/Overview

States will establish a procedure for grievances or complaints to be completed within 60 days. The Secretary will investigate if no decision is reached within 60 days, or if one party appeals to that level.

Remedies are limited to suspension or termination of payments, no participant placement with an employer who has violated a requirement, reinstatement of an employee with payment of lost wages, etc., or other equitable relief.

Regulation Issues

none identified

Proposed Changes

none identified

Compliance Issues

A grievance procedure must be in place

Opportunities for Change

DWS is going to establish a grievance procedure so these guidelines can be used. They don't change from JTPA requirements.

What Position does DWS take?

No problem to accept this rule.

SECTION 181 (A)(2)

Treatment of allowances, earnings, and payments

Analysis/Overview

This section pretty much repeats JTPA. WIA earnings of participants will not be counted as income when determining eligibility for other federal programs based on need, except as provided under the Social Security Act.

Regulation Issues

None identified

Proposed Changes

None identified

Compliance Issues

None identified

Opportunities for Change

None identified

What Position does DWS take?

This section is not a problem. We should be sure all DWS service providers understand what services provided under the Social Security Act would count WIA earnings as income.

SECTION 181(d)**Relocation****Analysis/Overview**

Funds cannot be used to encourage relocation; nor to train for a relocated employer who has caused unemployment at the previous location (for a certain period). If the Secretary finds that funds have been so spent, the state is required to repay the training amount. The government should not have to pay for dislocated workers at one site and pay for training the employer's new employees at the new location.

Regulation Issues

none identified

Proposed Changes

none identified

Compliance Issues

New employers must be queried before training is provided for them.

Opportunities for Change

This procedure should be in place already.

What Position does DWS take?

No problem to continue this rule. The forms committee has the form that was used previously, and can modify it as they wish.

SECTIONS 182 and 183**Prompt allocation of funds and monitoring.****Regulation Issues**

No specific additional regulations needed.

SECTION 184

Fiscal controls; Sanctions

Requires state to establish such fiscal control and fund accounting procedures as may be necessary. Provides that funds reserved for statewide workforce investment activities need not be specifically allocated to the funding stream as appropriated. Provides for monitoring by the Governor and the Secretary and outlines actions to be taken in case of violations.

Regulation Issues

No specific additional regulations needed.

SECTION 185

Reports; record keeping; investigations

Requires quarterly financial reports by each local board to the Governor with a statewide summary to the Secretary. The Secretary may only require that costs be categorized as administrative or programmatic costs.

Regulation Issues

Work with the DOL to make sure that flexibility is not restricted by the establishment of strict reporting requirements.

SECTION 186

Administrative Adjudication

The State as applicant for funds under WIA may appeal denial to the Secretary of DOL. Nothing of note different from JTPA. DOL ALJ decision could be appealed within 20 days for review by the Secretary. If the appeal is accepted for review the decision must be issued in 180 days.

SECTION 187

Judicial Review

A final order by Secretary of DOL may be reviewed by the US Court of Appeals. Nothing significant for us.

SECTION 188

Nondiscrimination

WIA has the normal prohibitions regarding discrimination in many areas. Nothing new. State may be ordered to comply by Secretary if it discriminates. This section mandates the DOL Secretary to issue regulations in one year to implement this section which will adopt standards for

determining discrimination and procedures for enforcement. DWS may want to review its current cooperation with Deseret Industries in the context of the prohibition on assistance for facilities for sectarian instruction or religious worship. **ACTION**

SECTION 189

Administrative Provisions

Grants authority to the Secretary to operate the programs. Sets the program year for adult and dislocated workers to begin on July 1. Sets the program year for youth activities to begin on April 1. Funds may be expended in the program year and the 2 succeeding program years. Local areas have the program year and the succeeding program year. Also includes waiver authority for existing and new waivers. Workforce Flexibility waivers authorized in Section 192.

Work with the DOL to make sure that waiver authority is as broad as possible.

Analysis/Overview

Subparagraphs a-f discuss requirements for the Secretary of Labor

g. Funds obligated for a program year may be expended during that year and the 2 succeeding years, except for demonstration projects and evaluations for which there is no time limit. Funds given to local areas must be expended during that program year and the succeeding year.

h. Enforcement of Selective Service Act.

I. Waivers are extended for the duration of the initial waiver.

Statutory and regulatory waivers may be granted by DOL, process is included.

Regulation Issues

Subparagraph g. Clarify time limits on expenditures. Is the difference whether the state or local area spends the money? If we have a single area is that considered the state spending the money? Why is there a difference?

h. Give WIA exemptions that JTPA uses, such as a major disability or honorable discharge from the service may be documented instead of Selective Service registration.

I. Keep JTPA waivers in effect until the state adopts WIA.

The JTPA waivers for Program Year 1997 (PY '97) were extended to the end of the current Program Year 1998. We have received approval of waivers requested for PY '98, also, for this year only. PY '98 runs through June 30, 1999. After discussion with the Department of Labor, it is my understanding that DOL will *probably* extend the waivers for the final year of JTPA which will be PY '99.

Proposed Changes

none noted

Compliance Issues

The only one noted is the time to spend the funds in g.

Opportunities for Change

none noted

What Position does DWS take?

Keep an eye on subparagraph “g”.

SECTION 189

Administrative Provisions

(I) WAIVERS and special rules.

Analysis/Overview

This section addresses, among other things, the impact of WIA on existing waivers.

Accordingly, where States have been granted waivers under provisions of the training and employment services of the Department of Labor (DOL), as authorized under Title I of the DOL (et al) Appropriation Act for 1997, (Public Law 104-208, section 101(e)), **“the waivers shall continue in effect and apply for the duration of the waivers.”** Utah’s approved waivers will also apply to the provisions of the Act that are related to the those requirements modified by the same waivers.

Utah was notified by DOL on September 2, 1998 that our waiver request, pursuant to the 1997 Appropriation Act, had been approved for the 1998 program year. Those waivers are outlined as Clause 8 in Utah’s Job Training Partnership Act (JTPA) Grant Agreement Modification, effective July 1, 1998. ***It should be noted that there is one provision of Utah’s waiver request that is pending DOL approval.***

Regulatory Issues

none

Proposed Changes to Regulations

none

Compliance Issues

Existing JTPA waivers, as previously referred to, remain in effect. Utah is compelled by the Act

to continue providing Training (JTPA) Services based on regulatory modifications as provided by the current waivers. Under the new Act, waivers may be granted for a **five year** period.

Opportunities for Change

This section of the Act provides states with the opportunity to request additional waivers to statutory or regulatory requirements contained in subtitle B or this subtitle of the Act or of sections 8 through 10 of the Wagner-Peyser Act (certain equal protection requirements are excluded). The section also outlines the prescribed procedure for submitting those waiver requests.

What Position Does the Department Take?

The Department will continue to administer Training (JTPA) Services based the approved waivers. The Department will also continue to seek to improve the administration of those services and will request additional waivers as appropriate.

SECTION 191

State Legislative Authority

Allows State Legislature to enact state law to implement WIA. Interstate Cooperative Agreements may be entered into. Nothing new.

SECTION 192

Workforce Flexibility Plans:

Allow for a workforce flexibility plan to be submitted that includes waivers of allowable regulations and statutes

- exceptions to waivers include requirements relating to basic purpose title; wage and labor standards; grievance procedures; allocation of funds to local areas; eligibility of participants; non-discrimination provisions; worker rights, participation, and protections; provisions relating to veterans and UI recipients in Wagner-Peyser; requirements relating to the purpose of the Older Americans Act
- can ask to waive all other WIA provisions, sections 8 - 10 of Wagner Peyser Act, and Older Americans Act based on application of local areas
- waivers can last up to 5 years

Analysis note: The law refers to waivers based on application from “local areas”, since Utah is a local area, this could mean that any waiver has to be statewide. However, with the intent of the law to allow local flexibility, this analysis concludes some waivers can be applied to only a portion of Utah’s local area.

Regulation Issues

Regulations should NOT limit Utah's ability to apply a waiver to only a portion of the state when the waiver is specific to that portion's circumstances.

State flexibility should be maintained in Sections 192 and 194.

SECTION 193

Use of Certain Real Property

Authorizes the use of real property acquired under the Social Security Act or the Wagner-Peyser Act for use in WIA; Additional expenses must be in proportion to use.

Regulation Issues

Work with the DOL to make sure that flexibility on the use of property is for both new and existing property. Suggest definitions.

SECTION 194

Continuation of State Activities and Policies

This provision appears to have been provided for Texas only.

Regulation Issues

No specific additional regulations needed.

State flexibility should be maintained in Section 194.

SECTION 195

General Program Requirements

Individuals may not be charged fees; Program income, including interest income, must stay in the program; employers may be charge on a fee-for-service basis with income staying in the program.

Analysis/Overview

Who is targeted and what should program provide them?

No duplication of services currently available in local area.

Local areas can coordinate on services to individuals; local boards must approve such agreement.

OJT employers must show retention- same as JTPA

No fees for participation from individuals

No political activities

Program income can be retained by public or private nonprofit entity to carry out the program.

Program income is defined. Records must be kept.

If DOL is going to fund a local activity, the appropriate board and CEO will be notified and consulted, also the Governor. The Governor will notify and consult the appropriate board and CEO before funding a state activity in a local area.

Education programs for youth will be consistent with state and local educational standards.

Academic credit and certification will also be consistent with state and local law.

No funding for public service employment

Federal procurement requirements generally applicable to federal grants to states will apply to this Act.

Individuals are not entitled to services

Services, facilities, or equipment funded under WIA may be used on a fee-for-service basis, by employers, to train incumbent workers. This would be when they are not in use for eligible participants, if such use would not have an adverse effect on services to participants, and the income is used to carry out WIA programs..

Regulation Issues

Work with DOL to see how this impacts CMIA and fee for service programs.

Will DOL define “most in need”?

Is OJT the same as under JTPA? Will the same rules apply?

Subparagraph (7) Does this mean that schools can keep overpayments and use them for administration?

(9) Why don't adult programs have to be consistent with state standards?

(10) PLEASE define ‘public service employment’

Proposed Changes

See regulation issues

Compliance Issues

Compliance issues are the same as for JTPA with a couple of exceptions: federal procurement requirements apply, WIA-purchased facilities can be used by employers for a fee, and the feds or state can operate a local program.

Opportunities for Change

None identified

What Position does DWS take?

Please answer concerns listed under ‘regulations’, allowing as much state definition as possible.

SECTION 199

Repeals

Analysis/Overview

A listing of Acts that will be repealed immediately, and in the future

These will be repealed immediately:

Section 204 of the Immigration Reform and control Act of 1986

Title II of Public Law 95-250 (concerns Redwood Forests)

Displaced Homemakers Self-Sufficiency Assistance Act

Section 211 of the Appalachian Regional Development Act of 1965

Subtitle C of Title VII of the Stewart B McKinney Homeless Assistance Act except for Section 738 of that title

Subchapter I of chapter 421 of Title 49, US Code (concerns air carrier personnel)

Title VII of the Stewart B. McKinney Homeless Assistance Act except Subtitle B and Section 738 shall be repealed July 1, 1999.

The Job Training Partnership Act (JTPA) will be repealed July 1, 2000.

Regulation Issues

If a section of law is repealed, a regulation shouldn't be needed.

Proposed Changes

none identified

Compliance Issues

none identified

Opportunities for Change

none identified

What Position does DWS take?

No problem with this rule.

SECTION 199A

Conforming Amendments

Analysis/Overview

The Secretary of Labor is directed to prepare recommended changes to this legislation.

They will be submitted to Congress by March, 1999.

All references to CETA or JTPA in other legislation will now refer to the corresponding section of WIA.

Regulation Issues

none identified

Proposed Changes

none identified

Compliance Issues

none identified

Opportunities for Change

none identified

What Position does DWS take?

We are preparing and will continue to have input into regulations and suggested changes to this legislation. No problem with this rule.

Note from Ginger: It is suggested that the EDD Program Specialists look at the list of provisions being repealed immediately and subsequent repeals to determine if it causes DWS any problems. I do not believe any of these will matter to DWS.

TITLE II--ADULT EDUCATION AND LITERACY

SECTION 201

Short Title

This title may be cited as the “Adult Education and Family Literacy Act”.

SECTION 202

Purpose

The bill revises the purpose of the program as to assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency, assist adults who are parents to obtain the education skills necessary to become full partners in the educational development of their children, and assist adults in the completion of a secondary school education.

Major emphasis of the legislation is to improve coordination between the workforce investment system and the adult education, literacy, and vocational rehabilitation programs.

SECTION 203

Definitions

The term “adult education” means services or instruction below the post secondary level for individuals who have attained 16 years of age; who are not enrolled or required to be enrolled in secondary school under State law; who lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society; who do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or are unable to speak, read, or write the English language.

SECTION 204

Home Schools

Will not effect participants in home school programs.

SECTION 205

Authorization of appropriations

Authorization has been given to appropriate such sums as necessary for fiscal years 1999 through 2003.

Regulation Issues

Nationally

Title II establishes two separate National funded programs; the National Institute for Literacy, and National Leadership Activities by the Department of Education.

Locally

Establishes *both* Educational accomplishments and Employment as positives outcomes for performance purposes.

Compliance Issues

Locally

This *new* WIA differs from the *old JTPA 8% set aside* funds in that the eligible age group is 16-60.

Opportunity for Change

Establish an Employment statistics program.

Utah could help identify performance criteria/core indicators.

Establish linkages between:

DWS/Vocational Rehabilitation/Education/Adult

Education/Higher Education/Vocational Training/Department of Corrections/Job Corps

Requires a high quality information management system i.e. enhanced UTES counseling system.

SECTION 211

Reservation: grants to eligible agencies; allotments

Title II provides an initial allotment of \$100,000 for each outlying area and \$250,000 for each eligible (state) agency. An additional allotment would be distributed on the basis of a population age 16 through 60, who are without a high school diploma or the equivalent, not currently required to be enrolled in school, and not currently enrolled in secondary school. No state's allotment would be less than 90 percent of its allotment in the

preceding year. The bill would continue the National Institute of Literacy with few changes of current law. The agreement requires the Secretary to reserve 1.5 percent of the amount appropriated, but not more than \$8,000,000, for the Institute.

SECTION 212

Performance accountability system

Establish a comprehensive performance accountability system, comprised of the activities to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities in order to optimize the return on investment of Federal funds in adult education and literacy activities. The bill requires eligible (state) agencies receiving funds under the Adult Education title to identify, in their plan, indicators and related levels of performance to be used to measure the State's progress in meeting the State's long-term goals. Upon submission of the plan, the Secretary of Education is authorized to negotiate with each eligible agency the expected levels of performance. Eligible (state) agencies that exceed the benchmarks or demonstrate continuing progress toward meeting them are eligible to receive incentive grant funds.

What Position does DWS take?

Want to take the position of being a leader in identifying the performance criteria and establishing interagency coordination.

SECTION 221

State Administration

Each eligible agency shall be responsible for the development, submission, and implementation of the State plan; consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities, and coordination and non-duplication with other Federal and State education, training, corrections, public housing, and social service programs.

Funds may be used at the state level to operate professional development programs to improve the quality of instruction; provide technical assistance to eligible providers; provide technology assistance, including staff training to eligible providers; support state or regional networks of literacy resource centers; monitor and evaluate the quality of the improvement in, activities and services authorized under this section; develop and disseminate curricula; integrate literacy instruction and occupational skill training and promoting linkages with employers; linkages with post-secondary institutions; incentive for coordination and performance awards; other activities of Statewide significance, and coordination with existing support services designed to increase enrollment in, and successful completion of adult education and literacy.

The bill requires eligible (local) recipients receiving a grant to conduct one of the following activities: adult education and literacy services, including workplace literacy services; family services; or English literacy programs. For the first time, federal law specifically allows the use of funds for family literacy programs.

SECTION 222

State Distribution of Funds; Matching Requirements

The bill requires eligible (state) agencies to use their federal grants to supplement and not supplant other public funds spent for adult education and literacy activities. It requires the fiscal effort per student or the aggregate expenditures for adult education and literacy activities. It requires the fiscal effort per student or the aggregate expenditures for adult education and literacy activities within the State to be maintained at a level not less than 90 percent of the previous year. Grants to eligible agencies *would be reduced in proportion to the amount the eligible agency failed to meet this requirement, but not below the national average per capita expenditure*. One quarter of the federal grant to eligible agency would be required to be matched with non-federal funds used for adult education and literacy activities. The bill limits to 5 percent the amount of the grant available for planning, administration, personnel development and interagency coordination or \$65,000 whichever is larger.

Regulation Issues

....each eligible agency would be required to be matched with twenty-five percent non-federal funds *or in kind* used for adult education and literacy activities.

What Position does DWS take?

Take the lead in establishing linkages with education and vocational rehabilitation.

SECTION 223

State Leadership Activities

Each eligible agency shall use funds for one or more of the following adult education and literacy activities:

- Professional development programs to improve the quality of instruction
- Provision of technology assistance to eligible providers of adult education and literacy activities
- Provision of technology assistance, including staff training
- The support of State or regional networks of literacy resource centers
- Monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities
- Incentives for--programs coordination and integration and performance awards
- Developing and disseminating curricula

- Other activities of statewide significance
- Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities
- Integration of literacy instruction and occupational skill training and promoting linkages with employers
- Linkages with post-secondary educational institutions.

What Position does DWS take?

DWS and USOE are coordinating with existing support services to implement a program to assist adult as well as out-of school youth, who are in high poverty and low literacy groups. The original school-to-work push in Utah extends the idea of a statewide school-to-careers system for 16 year olds to any age. This program shows that adult education is moving towards a model where helping someone get a GED is only a stepping stone in assisting individuals to find meaningful employment, including achieving economic self-sufficiency.

SECTION 224

State Plan, Adult Education and Literacy

The bill requires States to submit a plan that outlines a 5-year strategy for the statewide workforce investment system, including Job Service (DWS) and labor market information activities under the Wagner-Peyser Act.

Analysis and Overview

This section discusses the requirements of a five-year State plan describing aspects of adult education and literacy including an objective assessment of the needs of individuals in the State for adult education and literacy activities also addressing the education/literacy needs of **most in need and hardest to serve** populations

adult education and literacy activities to be carried out with funds under this subtitle

the annual evaluation of the effectiveness of the adult education and literacy activities based on established performance measures (1.demonstrated improvements in skill levels for reading, writing, and speaking the English language; numeracy; problem solving; English language acquisition; placement, retention, and completion of post secondary education, training, unsubsidized employment or career advancement; 2. levels of performance for the core performance indicators; and 3. progress toward increasing performance improvements 4. outlined in section 212) an assurance that at least one grant will be awarded to an eligible provider offering flexible schedules and necessary support services (child care/transportation) to ensure participation in adult education and literacy by disabled individuals or those with special needs

Section 224 references Section 231 outlining the considerations in awarding grants or contracts. The considerations are extensive and specific (establishing measurable goals for participant outcomes; past effectiveness of eligible education and literacy providers; commitment to serve low income and low literacy skill populations; use of specific instructional practices; learning in real life context,; etc.; and coordination of the adult education and literacy activities with community resources including one-stop centers, job training programs, and social service agencies. Consequently the Adult Education and Literacy State plan impacts the Utah Department of Workforce Services in coordination of activities related to employment and training.

Regulation Issues

Coordination of activities in t he Utah State Office of Education's (USOE) State plan with activities and services delivered by the Utah Department of Workforce Services.

Proposed Changes

none

Compliance Issues (Do we have waivers?) Impacting DWS

none

Opportunities for Change

Further solidifies coordination between adult education and literacy customers and employment and training services to enhance job skills, placement, retention to the job seeking population.

What Position does DWS take?

Favorable. DWS has coordinated service delivery in the past with USOE as described in the annual Wagner-Peyser plan of service and the Governor's Coordination and Special Services Plan (GCSSP). Based on past federal mandates and the mandates of WIA legislation, DWS complies with the continuity of coordination efforts and the required coordination of DWS and USOE written State plans.

SECTION 225

Programs for corrections education and other institutionalized individuals.

Analysis/Overview

States must reserve an unspecified amount for **corrections education, primarily criminal offenders who will be released within five years.**

SECTION 231

Grants and Contracts for Eligible Providers

Summary

Authorization is given to eligible state agencies to award multi-year grants or contracts to eligible providers on a competitive basis. The purpose of this funding is to enable eligible providers to develop, implement and improve adult education and literacy activities within the state.

Discussion

Eligible Provider

The Workforce Investment Act (WIA) uses the following definitions for the term “eligible provider”:

- Local educational agency.
- Community-based organization of demonstrated effectiveness.
- Volunteer literacy organization of demonstrated effectiveness.
- Institution of higher learning.
- Public or private non-profit agency.
- Library.
- Public Housing Authority.
- Non-profit institution that is not previously described that has the ability to provide literacy services to adults and families.
- Consortium of agencies previously described.

As grants will be awarded on a competitive basis, the Act specifies all eligible providers must be given direct and equitable access to apply for funding. Additionally, the Act indicates the same announcement process must be used for all eligible providers in the state. ***As DWS will be acting essentially as the “grantor” with this funding, steps will need to be taken to ensure all eligible providers within the state are given consistent and equitable access to apply.*** As grant announcements will utilize local and state-wide media, the Office of Public Affairs can be helpful in coordinating efforts.

Required Activities

The Act indicates state agencies shall require recipients of this funding to establish their programs to provide services or instruction in one or more of the following areas: Adult education and literacy services; family literacy services; and English Literacy services. The Act further indicates state agencies shall ensure funding is awarded only to providers who will serve “eligible individuals” as defined in section 203. ***This information on required activities and eligible individuals will need to be communicated clearly in any request for proposal or application process designed by DWS.***

Grant Process

The WIA act requires state agencies to consider the following factors related to eligible providers when awarding grants: the degree to which the eligible provider will establish measurable goals for participant outcomes; the past effectiveness of an eligible provider in improving literacy skills

and performance measures; and the commitment of the eligible provider to service individuals in the community who are most in need. State agencies must also consider several factors regarding proposed programs when awarding grants. These factors measure, among other items, the program's systematic approach and teaching techniques as well as the research involved in planning the program.

Typically, grants are awarded based on point systems. *To ensure adequate access to these funds and consistency in grading proposals, DWS will need to develop a point system based on the previously mentioned factors.* A uniform point system for grading proposals also protects the department from appeals or similar grievances from unsuccessful grantees.

Acting as grantor in this process, DWS will need to allocate staff time for the following activities: preparation and dissemination of a request for proposal; development of point system; formation of panel to grade proposals based on criteria set forth in the Act. As DWS has had a fairly limited role in awarding grants, it is expected that it may take considerable time to design and articulate procedures and agency policies. Other states with more experience in this area will currently have the necessary infrastructure to accommodate the grant process.

SECTION 232

Local application.

Applications The Act does give some direction to states in the development of request for proposals. It indicates applications will require a description of how funding will be spent in addition to a description of cooperative arrangements the provider has with other entities for the delivery of adult education and literacy activities. This direction is fairly limited, however, and *it would be beneficial if the federal regulations allow for flexibility to allow for other information state agencies may require.*

SECTION 233

Local administrative cost limits.

The bill requires eligible (state) agencies to collaborate where possible and avoid duplicating efforts in order to maximize the impact of activities carried out under this act. Eligible (state) agencies must use not less than 82.5 percent of available funds for local grants and may use not more than 12.5 percent for State leadership activities and not more than 5 percent of \$65,000 for administrative expenses.

SECTION 241

Administrative provisions

SECTION 242

National Institute for Literacy

The bill would continue the National Institute of Literacy with few changes of current law. The agreement requires the Secretary to reserve 1.5 percent of the amount appropriated, but not more than \$8,000,000, for the Institute.

SECTION 243

National leadership activities

National leadership activities include: technical assistance, dissemination of information on successful practices, improving the quality of adult education and literacy activities, research, demonstration programs, carrying out an independent evaluation and assessment of adult education and literacy activities, support efforts aimed at capacity building, collecting data and other activities to enhance the quality of adult education and literacy nationwide. The agreement requires the Secretary to reserve 1.5 percent of the amount appropriated, but not more than \$8,000,000 for national leadership and evaluation activities.

TITLE III - WORKFORCE INVESTMENT-RELATED ACTIVITIES

Subtitle A - Wagner-Peyser Act

Summary

The Workforce Investment Act (WIA) of 1998 repeals the former Job Training Partnership Act (JTPA). Enactment of this bill made it necessary to make some amendments to other related workforce acts, such as the Wagner-Peyser Act, which regulates related workforce and employment system activities. Therefore, amendments were made to reflect changes that occurred with enactment of the WIA. The focus and intent of the WIA is to consolidate, coordinate, and improve working relationships between state agencies, as well as to establish and develop partner associations with private sector agencies and organizations. The Act strongly encourages joint and active involvement of both the public and private sector in order to provide more complete and comprehensive employment and workforce services. This section provides information regarding changes in terminology to the Wagner-Peyser Act as a result of the enactment of the WIA. Some terms and phrases have been included or eliminated to coincide with the WIA language and definitions. Making changes to words and/or phrases was done to update information for currency and accuracy. This section deals with provision of information, rather than formally prescribing conduct and activities.

Discussion

SECTION 301

Definition

Local Workforce Investment Boards

The WIA requires establishment of a **local workforce investment board**. The WIA defines a local workforce investment board as a local board established to set policy for the workforce investment system in a local workforce area of the state. Membership of these boards will include local representatives of businesses, educational institutions, labor organizations, community-based organizations, economic development, and one-stop centers. Membership of these Local WIA Boards is similar to the State WIA Board, but with significant emphasis on local representation. In March 1998 the Governor designated Utah to be a **single service delivery area** and as a result, Utah does not have to comply with the WIA requirement to establish a local workforce investment board because it was designated as a “**small state**” prior to July 1, 1997. However, it would be beneficial to Utah to establish these local boards even though they are not required to do so. Utah is very diverse in terms of environmental, cultural, economic and social elements, from one part of the state to another. Therefore, to provide services based on a specific geographic region would better accommodate the needs of specific and individual communities. Given this, it is recommended that federal regulations not be written in such a way as to prevent or inhibit local areas from developing plans and providing services that specifically meet the needs of their communities. For further information regarding Local Workforce Investment Areas and Local Workforce Investment Boards, see DWS “Interoffice Communication” prepared by Virginia S. Smith, Director, Division of Adjudication, September 23, 1998 regarding “Grandfathering Provisions”.

One-Stop Delivery System

One-Stop Delivery System as defined by the WIA is a system located at one physical center providing workforce investment services to the community by a variety of public and private sector agencies working together to provide comprehensive educational, employment and employment-related services, as well as related supportive services. Each of the one-stop partners provide specific services, such as employment and training activities, current occupational information, general and vocational education opportunities and activities, financial and supportive services, vocational rehabilitation services, etc. The creation of the Department of Workforce Services (DWS) in Utah, July 1, 1997 was a significant move in the direction of establishing a one-stop delivery system. Five separate agencies, Utah Department of Employment Security, Office of Family Services, JTPA, Office of Child Care and Turning Point were combined into one newly developed agency, DWS, in order to provide a variety of services to customers at

one physical location which is an important element of a one-stop center. Therefore, the design of DWS is very similar to the WIA One-Stop Delivery System. However, DWS continues to enhance working relationships with additional agencies providing services, such as rehabilitation and education. Continuing current relationships, as well as establishing additional relationships is critical in terms of providing complete and comprehensive service to customers to comply with WIA requirements.

SECTION 302

Functions.

Throughout the Wagner-Peyser Act the term “Secretary” will replace “United States Employment Service”. “**Secretary**” here is defined by the WIA as **Secretary of Labor**. In addition, language regarding functions has been changed to reflect functions to be performed by the Secretary. The terms “Private Industry Council” (P.C.) and “Service Delivery Area” (SDA) have been removed from this Act. The P.C. will be replaced by the “Local Workforce Investment Board” and SDA’s in the state will be referred to as “Local Workforce Investment Areas”. These WIA local boards and local areas are similar to the previous P.C. and SDA, but require a more comprehensive and inclusive local representation to be involved in decision making and providing services. This requirement under the WIA does not vary significantly from how DWS currently operates in terms of local representation and participation. Based on the composition of the local boards as stated in the WIA, DWS is missing some of the required representation, such as youth representatives, chief elected officials from cities and counties, and CEO’s from community colleges. DWS in keeping with our vision and mission can and will identify and include these required representatives into overall operations and decision-making in order to comply with the WIA.

SECTION 303

Designation of State Agencies.

The WIA establishes and places decision-making with the Governor of the State in accordance to State statute, rather than through the states’ legislative body. Therefore, references to “through legislature” have been replaced throughout this ACT by “pursuant to State statute”. The Governor will designate or authorize activities regarding employment systems and services according to state statute. General changes in terms of language and phrasing were made throughout the act, none of which were substantive with regard to the intent and compliance to the law.

On a national level it appears that passage of the WIA law is a significant move toward the federal government beginning to change its role of being a primary provider of education and employment training services, to shifting their focus and involvement to creating and developing systems that will in turn become the primary providers of these services. The WIA directs that

priority of national activities be to assist each state in creating and developing their own workforce investment system. Development of an individualized workforce investment system would allow each state to address their respective employment, education and training services in terms of their unique, specific, and individualized needs, rather than trying to successfully operate a workforce investment system that is mandated and regulated by national standards. This is the federal government giving power and authority back to state government.

Regionally in Utah we have five (5) geographic regions for delivery and provision of services. DWS has guidelines to standardize provision of services across the state. However, each region is allowed discretion to alter or modify services based on their specific regional conditions and situations, in order to better meet their specific and individualized community needs. The Regional option for flexibility in providing services to customers is important. Utah can be vastly diverse, by region, in terms of population, labor market conditions, employment needs, training, etc. The WIA supports the need for recognition and provision of individualized service by state. The WIA shows this support in assisting, state by state, with the establishment, creation and development of individual state plans for more appropriate and individualized workforce investment systems.

SECTIONS 301 to 311

Analysis /Overview

Modifications in word changes indicating a change in philosophy and direction:

United States Employment Services becomes Secretary [Department of Labor]
Job Training Partnership Act becomes Workforce Investment Act
Private Industry Council becomes Local Workforce Investment Board

Major amendment to the Wagner-Peyser Act describes a comprehensive national and state employment statistics system

- ◆ Enumerate, estimate, and project employment opportunities and conditions in a timely, current, comprehensive manner at national, State, and local levels on
- ◆ employment and unemployment status for self-employed, part-time, full-time, seasonal workers
- ◆ industrial distribution of occupations, current and projected employment opportunities, wages, benefits, skill trends by occupation and industry
- ◆ industrial and geographical incidence of worker displacements by permanent layoffs and plant closings
- ◆ longitudinal employment and earning information for research and program evaluation

Detailed description of the Secretary of Labor's annual plan for the nationwide employment statistics system, participation in the planning by DOL regional and State representatives, description of the State's responsibilities for receiving Federal financial assistance, Section 306

consult with State and local employers, workforce investment boards, about the relevance of labor market data collected and disseminated

consult with State and local educational agencies concerning the employment statistics meeting the needs of students

actively seek participation of other State and local agencies in data collection, analysis, and dissemination activities to insure complementary, compatibility, and usefulness of data

participate in development of the annual plan for the nationwide employment statistics system

utilize quarterly wage records to measure State progress on State performance measures.

Non-duplication requirement

None of the functions and activities shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act

Regulation Issues

none

Proposed Changes to Regulation

none

Compliance Issues (Do we have waivers?) Impacting DWS

none

Opportunities for Change

Amending the Wagner-Peyser Act to include the nationwide employment statistics system indicates congress's intent of using data to benefit provider customers (DWS) and employment customers (job seekers, employers, and education and literacy institutions). The change in emphasis for use of employment statistics and the change in the nature of the statistics collected and analyzed turns the employment statistics system into a user-needed as well as a user-friendly tool for an increasingly effective and comprehensive employment exchange service.

What Position does DWS take?

Favorable.

SECTIONS 301 through 309

Wagner Peyser Act

The WIA did not amend any portion of the Wagner Peyser Act outlining existing reporting requires. If such changes do occur, they will be specified in the February release of WIA regulations. It is assumed that no changes will occur.

SECTION 322

Veterans' Employment Programs

Analysis/Overview

DWS was and still organized as a need to provide services to customers at E.C.'s in one place. Under this new one stop type delivery system DWS is coordinating and avoiding(as much as possible) duplication of services such as those mandated under paragraphs (8) and (14) of section 112b of the Workforce Investment Act of 1998.

DWS is committed to serve veterans as mandated under Title 38, United States Code.

Regulations Issues

none

Proposed Changes to Regulations

none

Compliance Issues

None. DWS met all compliance standards last year except some reportable service.

Opportunities for Change

none

What position Does DWS take?

DWS Employment Centers are already set under the One-Stop concept providing customers with services such as employment, labor market information, training and educational programs information, etc. in a single location.

SECTION 323

Older Americans Act of 1965

Analysis/Overview

This section adds some information to the Older Americans Act state plan requirements. I have

notified the State Aging Services program specialist of the change and will assure that she gets a copy of the new law if she needs it.

Regulation Issues

none identified

Proposed Changes

none identified

Compliance Issues

none identified

Opportunities for Change

none identified for DWS. Will promote closer coordination with Aging Services

What Position does DWS take?

Does not affect DWS

TITLE IV, REHABILITATION ACT AMENDMENTS OF 1998

Section 401 - 414

The purpose of this Act is to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through statewide workforce investment systems that include comprehensive and coordinated state-of-the-art programs of vocational rehabilitation, independent living centers and services, research, training, demonstration projects, and the guarantee of equal opportunity.

Although the concept of the Act is to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, funding is appropriated for only the programs, personnel, and administration of Vocational Rehabilitation programs in this act. The application of any State rule or policy relating to the administration or operation of programs funded by this Act shall be identified as a State imposed requirement. The Commissioner of the Rehabilitation Services Administration under the Secretary of Labor will be the principal officer in carrying out this Act.

A Community Rehabilitation program is created in which we participate in assisting in enabling individuals to maximize opportunities for employment, including career advancement; job development; placement and retention services; extended employment; supported employment services and extended services.

Definitions:

Amendments to the Rehabilitation Act of 1973 and definitions made in this section of the Workforce Investment Act of 1998 are as follows:

Rehabilitation Act of 1973 amended by inserting: “to create linkage between State vocational rehabilitation programs and workforce investment activities carried out under title I of the Workforce Investment Act of 1998, to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the Federal Government, and for other purposes.”

Compliance Issues:

A state plan is submitted by the Office of Rehabilitation at the same time our state plan is submitted.

Cooperative agreements with other components of statewide workforce investment systems are needed. The attached plan satisfies all requirements of :

- a. Intercomponent staff training and technical assistance (see Cross Training)
- b. Use of information and financial management systems that link all components of the statewide workforce investment system (see Information Sharing System)
- c. Use of customer service features such as common intake and referral procedures, customer databases, resource information, and human service hotlines in cooperative efforts (see Information Sharing System)
- d. Establishment of cooperative efforts with employers to facilitate job placement and carry out other activities as designated by the State unit and employers (see Employer Hotline)
- e. Identification of staff roles & responsibilities etc. (see Regional Liaisons)
- f. Specification of procedures for resolving disputes among such components (see Regional Liaisons)
- g. Replication of cooperative agreements at the local level between individual offices (see Regional Liaisons)

Regulation Issues:

None. (Not later than 180 days after the date of enactment of the Rehabilitation Act Amendments of 1998, the Secretary shall receive public comment and promulgate regulations to implement the amendments made by the Rehabilitation Act amendments of 1998. Standards and performance indicators will be in place by July 1, 1999. Comment will be taken on these as suggested in the Federal Register.)

Opportunities for Change:

The attached collaborative agreement should be implemented statewide. The provision requiring joint funding of job development and placement specialists has been removed. We feel it is the responsibility of the Office of Rehabilitation to solely fund such positions. The Federal Grant

decision for the Office of Rehabilitation is still pending and will have significant impact on their decision to solely fund the positions. One problem exists, however, in that the number of service providers placed in Vocational Rehabilitation offices will be significantly greater in large cities than have been placed in the Western Region where such collaboration has been in effect for 14 years, thus causing disruption in the normal workload of the larger ECs.

**COLLABORATIVE AGREEMENT
BETWEEN
DEPARTMENT OF WORKFORCE SERVICES
AND
UTAH STATE OFFICE OF REHABILITATION
VOCATIONAL REHABILITATION PROGRAM**

Individuals with disabilities are an important group of Utah citizens needing and seeking employment. According to the National Center for Health Statistics, over 22 million working-age Americans are disabled in such a way as to limit their ability to work. In Utah, there are approximately 89,865 who fall into this classification. These individuals have a broad spectrum of needs and challenges requiring a range of specialized services to achieve employment outcomes in integrated settings.

Utilizing the services of Department of Workforce Services (DWS) and Utah State Office of Rehabilitation (USOR) in a collaborative manner is essential to assure that Utahns with disabilities will have the appropriate, cost-effective, and accountable services they need to obtain and maintain competitive employment.

This collaborative agreement provides the guidelines for the staff of DWS and USOR to establish and provide a collaborative service delivery system to persons with disabilities who are seeking employment outcomes.

COLLABORATIVE EFFORTS

Establish and Maintain Regional Liaisons

USOR and DWS will identify regional liaisons to enhance communication, avoid duplication of services, provide technical assistance in understanding organizational policy and procedures, and identify system barriers in the provision of effective job development and placement services. The regional liaisons shall be members of the regional workforce services councils.

Develop Information Sharing System

USOR and DWS will develop a data sharing process (online, if feasible) by which the following information may be exchanged:

- a) Referral data
- b) Labor market information

- c) Job vacancies and job matches
- d) Shared consumer's data
- e) Employer data
- f) New employee database

Refer Individuals to Appropriate Employment and Support Programs

USOR and DWS will establish and maintain a process by which individuals with disabilities will be referred to appropriate services in an efficient and effective manner.

- a) Individuals with disabilities identified by DWS as needing vocational rehabilitation services will be referred to USOR for services.
- b) Individuals receiving services under the vocational rehabilitation program who are identified as needing DWS services will be referred for those services.
- c) USOR will refer appropriate individuals who have been determined not eligible for vocational rehabilitation services to DWS for determination of eligibility for services.

Provide Job Development and Placement Services to Utah Citizens with Disabilities

USOR and DWS will work cooperatively in assisting individuals with disabilities in obtaining employment.

- a) USOR will fund job development and placement specialist(s) to assist individuals with disabilities in obtaining permanent competitive employment in integrated settings.
- b) The job development and placement specialist(s) shall be housed and provide services in areas jointly designated and prioritized by USOR and DWS.
- c) USOR and DWS job development and placement services shall be recognized as a collaborative effort and be referred to as such during the day-to-day operation of the program and when advertised, publicized, and otherwise referred to.
- d) The number of eligible vocational rehabilitation consumers served under this agreement shall be at a minimum proportional to the percent of funding provided by USOR for the job development and placement specialist(s). The remainder of the individuals served shall be individuals classified as disabled by DWS.
- e) Services provided through the job development and placement specialist(s) shall include individual job development, job search and placement assistance, job-seeking and job-keeping skills, technical assistance to employers considering or hiring consumers of this program, and appropriate follow up.

- f) At a minimum, quarterly meetings will be conducted in each of the DWS regions where job development and placement specialist(s) are providing services. The meetings will include the job development and placement specialist(s) and designated USOR and DWS staff. The purpose of the meeting will be to review performance and goals, update relevant issues, and present and discuss ideas and staff cases.
- g) Job development and placement services will be provided in coordination with existing USOR and DWS program employment activities, including those provided through service providers and contractors.

Operate an Employer Hotline for Employment of People with Disabilities

USOR and DWS will operate a service by which Utah employers can effectively and efficiently hire and maintain employees with disabilities. This service will operate in coordination with the Governor's Committee on Employment of People with Disabilities and include:

- a) A central contact point for employers to obtain information and services relevant to hiring and working with individuals with disabilities.
- b) Provision of technical assistance, on both a generic and individual basis, on hiring and maintaining employees with disabilities.
- c) Referrals and assistance to obtain services relevant to hiring and working with people with disabilities; i.e., accommodation, work-site modification, assistive technology, sign language interpreters, and ADA issues.
- d) A job match system that will assist employers in matching qualified individuals with disabilities from both agencies to current and future employment openings.
- e) Provision of appropriate follow up services concerning any information or referrals provided employers through the hotline.
- f) Advertise the employer service on a statewide basis.
- g) Facilitate a network system where employers can exchange information and experiences in hiring and managing individuals with disabilities.

Promote the Employment of Individuals with Disabilities

- a) USOR and DWS will conduct activities to help demonstrate the benefits of including people with disabilities in the workforce.

- b) USOR shall provide disability awareness services to Utah employers. These services will include disability sensitivity training and disability and employment information. When requested by DWS, USOR will provide disabilities awareness services to employers identified and selected by DWS.
- c) USOR and DWS will conduct public relations activities to increase employer and public awareness as to the benefits of employing individuals with disabilities.
- d) USOR and DWS will conduct statewide employer recognition activities to encourage hiring individuals with disabilities.

Provide Technical Assistance in the Provision of Employment Services to People with Disabilities

USOR staff will assist DWS staff in providing effective nonduplicative services to individuals with disabilities. When requested by DWS, these efforts will include:

- a) Technical assistance for DWS staff in the provision of services for individuals with disabilities.
- b) Technical assistance to DWS in providing program materials and services in a format that is accessible to the specific needs of individuals with disabilities.
- c) Technical assistance to DWS in obtaining assistive technology services for individuals with disabilities seeking or receiving DWS services.
- d) Technical assistance to DWS staff in providing vocational assessment services.
- e) Provision of vocational assessment services to individuals who are being served by DWS and have been determined eligible for vocational rehabilitation services.

Conduct Cross Training

In order to have USOR and DWS staff provide nonduplicative effective employment services to individuals with disabilities, a cross-training program will be maintained.

- a) USOR and DWS shall identify designated staff to provide and coordinate regional training efforts.
- b) USOR and DWS will conduct, at a minimum, annual cross-training activities in each of the five regions.
- c) Cross training shall include information regarding each agency's assessment processes, eligibility criteria, programs, and job development and placement activities.

Establish Regional Agreement Addendums as Needed

In order to be responsive to local issues needs and circumstances, USOR and DWS may establish addendums to this agreement in regions where it is determined necessary. The regional addendums will be developed locally and be jointly approved by the director of USOR and the director of DWS.

TITLE V, GENERAL PROVISIONS

SECTION 501

State Unified Plan

Analysis and Overview

A State may develop and submit to the appropriate Secretaries (head of the Federal agency exercising administrative authority over an activity or program) a unified plan for 2 or more of the activities, with prior approval of the State legislature, and **shall** cover secondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act

post secondary vocational education programs authorized under the Carl D. Perkins...Act

activities authorized under title I of the Workforce Investment Act

activities authorized under title II of the Workforce Investment Act

and, the State unified plan **may** cover one or more of the following activities

programs authorized under section 6(d) of the Food Stamp Act

work programs authorized under section 6(o) of the Food Stamp Act

activities authorized under chapter 2 title II of the Trade Act of 1974

programs authorized under the Wagner-Peyser Act

programs authorized under title I of the Rehabilitation Act of 1973

activities authorized under chapter 41 of title 38, United States Code [veterans' benefits]

programs authorized under State unemployment compensation laws

programs authorized under part A of title IV of the Social Security Act [TANF]

programs authorized under title V of the Older Americans Act of 1965

training activities carried out by the Department of Housing and Urban Development

programs authorized under the Community Service Block Grant Act.

The State unified plan shall include a description of the methods used for joint planning and coordination of programs and activities included in the unified plan, and an assurance that the joint planning methods included an opportunity for review and comment of all portions of the unified plan by the entities responsible for planning or administering the programs and activities.

Regulation Issues (Problems) Affecting DWS

none.

Proposed Changes to Regulation

none.

Compliance Issues (Do we have waivers?) Impacting DWS

none.

Opportunities for Change

none.

What Position does DWS take?

Favorable. Actively plan and coordinate the inter-related programs and activities under Carl Perkins (Turning Point) and Adult Education (USOE and DWS).

Summary

Under the current law, the Job Training Partnership Act (JTPA), a separate plan is required for each federal program. The WIA permits and encourages the submission of “unified” state plans to ensure coordination of, and to avoid duplication between workforce development activities. The plan continues to be subject to the requirements of the plan or application under the federal statute authorizing the program. Fourteen programs are specified that may be included in the State Unified Plan, including programs authorized under the WIA, the Wagner-Peyser Act, the Food Stamp Act, etc. Plans are approved unless the appropriate Secretary indicates within 90 days of receipt that the plan is not consistent with the requirements of the federal statute authorizing the activity.

Minimum Compliance Requirements

Utah has already taken steps to unify plans; therefore, no action is necessary at this time. The Act permits unified planning, but does not mandate it.

Opportunities for Change

Secondary vocational education may be included in the unified plan. **Note:** The state legislature must approve this.

SECTION 502

Definitions for Indicators of Performance

In order to ensure nationwide comparability...shall issue definitions for indicators of performance and levels of performance.

Work with the DOL to see that flexibility in other areas is not restricted through national comparisons.

General – In order ensure nationwide comparability of performance data, the Secretary of Labor the Secretary of Education, after consultation with the representatives described in subsection (b), shall issue definitions for indicators of performance and levels of performance established under Titles I and II.

This section outlines the process which now is underway. The regional ETA officials are encouraging consultive feedback to them so that our input is considered prior to the February release of regulations which will contain the above definitions and performance levels. Additional dialogue needs to occur with National and Regional officials to pinpoint areas of feedback and response.

SECTION 503

Incentive Grants

This section outlines who States and Local Areas may be eligible for Incentive Grants if they exceed negotiated performance levels. This process will likely require extensive data inputs from existing reporting systems to quantify and qualify criteria used to establish the amount and distribution of the Incentive Grant. For current planning purposes, this is an issue that is somewhat down the road.

Summary

- Extensive new reporting structures and systems will need to be designed and programmed.
- Extensive analysis needs to be given to how to integrate WIA reporting requirements into developing DWS client/customer service systems (Eligibility, Case Management, Employment Exchange, Contributions [CATS], etc.)
- Reporting discussions in terms of who and what needs to occur with the State Board and other key service and training providers.

- DWS resources needs to be directed at developing an integrated reporting environment proposed by ITS, i.e, reporting server and necessary middleware.
- Should DWS be the designated reporting agent for the State Board, the above process is more critical
- To assist and manage information flowing through these new reporting systems, MIS analyst staffing will have to be significantly expanded.

SECTION 504

Privacy

WIA does not supersede current privacy protections afforded parents and students in other Education laws. WIA does not permit the development of a national database of information about persons' identities receiving services under WIA.

SECTION 505

Buy - American Requirements

Must comply with the Buy American Act; purchase only American made equipment and products.

Work with the DOL on any possible flexibility. Look at impact on purchasing.

Analysis/Overview

The funding requires that states purchase only American-made equipment and products

Notice to recipients of assistance.--In providing financial assistance using funds made available under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.--

Regulations Issues

none

Proposed Changes to Regulations

none

Compliance Issues

D.S. should include statement in "61 Tools"(Registration for Services) and Vendor of Training applications?

Opportunities for Change

none

What Position Does DWS Take?

SECTION 506

Transition Provisions

Charges the Secretary to take such actions necessary to provide for an orderly transition from JTPA to workforce investment. Provides authorization and 2% limit on JTPA funds used to plan and implement workforce investment programs.

Work with the DOL on establishing procedures for close out of JTPA programs and contracts and establishing flexibility on use of the 2% for planning and implementing WIA.